United Nations

Report of the Committee on the Rights of the Child

General Assembly
Official Records
Fifty-seventh Session
Supplement No. 41 (A/57/41)

General Assembly
Official Records
Fifty-seventh Session
Supplement No. 41 (A/57/41)

Report of the Committee on the Rights of the Child

United Nations • New York, 2002

NOTE

Symbols of United Nations documents are composed of capital letters combined with figures. Mention of such a symbol indicates a reference to a United Nations document.

ISSN 1020-1823

[Original: English]
[2 May 2002]

CONTENTS

		Paragraphs	Page
I.	CONCLUSIONS AND RECOMMENDATIONS ADOPTED BY THE COMMITTEE ON THE RIGHTS OF THE CHILD AT ITS TWENTY-FOURTH TO TWENTY-NINTH SESSIONS		7
	Organization of work: recommendation		7
II.	ORGANIZATIONAL AND OTHER MATTERS	1 - 7	8
A.	States parties to the Convention	1 - 2	8
B.	Sessions of the Committee	3	8
C.	Membership and officers of the Committee	4 - 6	8
D.	Adoption of the report	7	9
III.	REPORTS BY STATES PARTIES UNDER ARTICLE 44 OF THE CONVENTION	8 - 51	9
A.	Submission of reports	8 - 10	9
B.	Consideration of reports	11 - 12	9
C.	Progress achieved: trends and challenges of the implementation process	13 - 51	12
IV.	OVERVIEW OF THE OTHER ACTIVITIES OF THE COMMITTEE	52	18
A.	Methods of work	52 - 60	18
B.	International cooperation and solidarity for the implementation of the Convention	61 - 76	20
C.	General thematic discussions	77 - 87	24

02-44835 (E) 020702

CONTENTS (continued)

Page

Annexes

I. States which have ratified or acceded to the Convention on the Rights of the Child as at 1 February 2002(191) 45

II. States which have signed (94), or ratified or acceded (13) to the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, as at 1 February 2002 52

III. States which have signed (94), or ratified or acceded (16) to the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, as at 1 February 2002 55

IV. Membership of the Committee on the Rights of the Child 59

V. Status of submission of reports by States parties under article 44 of the Convention on the Rights of the Child as at 1 February 2002 60

VI. Guidelines regarding initial reports to be submitted by States parties under article 8, paragraph 1, of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict 79

VII. Guidelines regarding initial reports to be submitted by States parties under article 12, paragraph 1, of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography 85

VIII. General comment No. 1 (2001), article 29, paragraph 1: The aims of education 91

IX. International Consultative Conference on School Education in relation with Freedom of Religion and Belief, Tolerance and Non-discrimination (Madrid, 23-25 November 2001): Statement by the Vice-Chairperson of the Committee on the Rights of the Child 100

X. Statement of the Committee on the Rights of the Child to the twenty-fifth special session of the General Assembly for an overall review and appraisal of the implementation of the outcome of the United Nations Conference on Human Settlements (Habitat II) 104

CONTENTS (continued)

Page

XI. Statement of the Committee on the Rights of the Child to the third session of the Preparatory Committee for the special session of the General Assembly on children 107

XII. Statement of the Committee on the Rights of the Child to the third session of the Preparatory Committee for the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance 112

I. CONCLUSIONS AND RECOMMENDATIONS ADOPTED BY THE COMMITTEE ON THE RIGHTS OF THE CHILD AT ITS TWENTY-FOURTH TO TWENTY-NINTH SESSIONS

Organization of work

Twenty-ninth session, recommendation

The Committee on the Rights of the child,

Stressing the crucial importance of periodic reporting by States parties, in conformity with the obligations under article 44 of the Convention on the Rights of the Child (a) within two years after the entry into force of the Convention for the State party concerned, and (b) thereafter every five years,

Noting that many States parties have yet to submit their second periodic report under the Convention,

Acknowledging that at the time of the dialogue with the Committee States parties have updated the information they provided in their initial report in the written replies submitted to the list of issues,

Expressing the need to support States parties in an effort to ensure compliance with the strict time frame established by article 44, paragraph 1, of the Convention,

1. Decides to inform States parties in the related concluding observations adopted by the Committee of the deadline for the submission of their second and, where appropriate, following periodic reports;

2. Decides, therefore, to apply the following rules:

(a) When the second periodic report is due within the year following the dialogue with the Committee, the State party shall be requested to submit that report combined with the third one; this rule also applies, mutatis mutandis, when a similar situation occurs with the third and fourth periodic reports;

(b) When the second periodic report is already due at the time of the dialogue and the third report is due two years or more after the dialogue with the State party, the State party shall be requested to submit the combined second and third reports at the time when the third report is due, as prescribed under the terms of the Convention; this rule also applies, mutatis mutandis, in cases when the second and third reports are due at the time of the dialogue;

3. Stresses that these rules apply only as an exceptional measure, taken for one time only, in an attempt to provide an opportunity for a State party to respect the strict reporting periodicity foreseen in article 44, paragraph 1, of the Convention.

II. ORGANIZATIONAL AND OTHER MATTERS

A. States parties to the Convention

1. As at 1 February 2002, the closing date of the twenty-ninth session of the Committee on the Rights of the Child, there were 191 States parties to the Convention on the Rights of the Child. The Convention was adopted by the General Assembly in resolution 44/25 of 20 November 1989 and opened for signature and ratification or accession in New York on 26 January 1990. It entered into force on 2 September 1990, in accordance with the provisions of its article 49. A list of States that have signed, ratified or acceded to the Convention is contained in annex I to the present report.

2. As at the same date, the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict had been ratified or acceded to by 13 States parties and signed by 94 States. The Optional Protocol entered into force on 12 February 2002. Also at the same date, the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography had been ratified or acceded to by 16 States parties and signed by 94 States. It entered into force on 18 January 2002. The two Optional Protocols to the Convention were adopted by the General Assembly in resolution 54/263 of 25 May 2000 and opened for signature and ratification or accession in New York on 5 June 2000. A list of States that have signed, ratified or acceded to the two Optional Protocols is contained in annexes II and III to the present report.

B. Sessions of the Committee

3. The Committee has held six sessions since the adoption of its previous biennial report (A/55/41). The reports of the Committee on its twenty-fourth, twenty-fifth, twenty-sixth, twenty-seventh, twenty-eighth and twenty-ninth sessions are contained in documents CRC/C/97, CRC/C/100, CRC/C/103, CRC/C/108, CRC/C/111 and CRC/C/114, respectively.

C. Membership and officers of the Committee

4. In accordance with article 43 of the Convention, the Seventh Meeting of States Parties to the Convention was convened on 26 February 2001 at United Nations Headquarters. The following five members of the Committee were elected or re-elected for a term of four years beginning on 28 February 2001: Mr. Ibrahim Abdul Aziz Al-Sheddi, Mrs. Ghalia Mohd Bin Hamad Al-Thani, Mrs. Saisuree Chutikul, Mr. Luigi Citarella and Mrs. Marilia Sardenberg. The list of the members of the Committee, with an indication of their term of office, appears in annex IV to the present report.

5. The officers who had been elected by the Committee at its twenty-first session continued to hold office from the twenty-fourth to the twenty-seventh sessions. They were Mr. Jacob Egbert Doek (Netherlands), Chairperson; Mrs. Margaret Queen Esther Mokhuane (South Africa), Mrs. Marilia Sardenberg (Brazil) and Mr. Ghassan Salim Rabah (Lebanon), Vice-Chairpersons; and Mrs. Judith Karp (Israel), Rapporteur.

6. At its 698th meeting, held on 21 May 2001, the Committee elected the following officers for a term of two years in accordance with rule 16 of the provisional rules of procedure:

Chairperson:	Mr. Jacob Egbert Doek	(Netherlands)
Vice-Chairpersons:	Mrs. Amina El Guindi	(Egypt)
	Mrs. Awa N'Deye Ouedraogo	(Burkina Faso)
	Mrs. Marilia Sardenberg	(Brazil)
Rapporteur:	Mrs. Judith Karp	(Israel)

D. Adoption of the report

7. At its 776th meeting, on 21 January 2002, the Committee considered the draft of its sixth biennial report, covering its activities at the twenty-fourth to the twenty-ninth sessions. The report was adopted unanimously by the Committee.

III. REPORTS BY STATES PARTIES UNDER ARTICLE 44 OF THE CONVENTION

A. Submission of reports

8. The status of submission of reports by States parties under article 44 of the Convention as at 1 February 2002, the closing date of the twenty-ninth session of the Committee, appears in annex V to the present report.

9. As at 1 February 2002, the Committee had received 167 initial reports and 53 periodic reports. A total of 172 reports had been examined by the Committee (151 initial and 21 second periodic).

10. During the period under consideration, the Committee received from a number of States parties additional information submitted in accordance with the recommendations made by the Committee in its concluding observations, or transmitting information and views of States parties with respect to the observations made by the Committee. (See CRC/C/100, para. 19; CRC/C/103, para. 23; CRC/C/108, para. 26; and CRC/C/111, para. 20.)

B. Consideration of reports

11. During its twenty-fourth to twenty-ninth sessions, the Committee considered the following 41 initial reports: Andorra, Bahrain, Bhutan, Burundi, Cambodia, Cameroon, Cape Verde, Central African Republic, Comoros, Côte d'Ivoire, Democratic Republic of the Congo, Djibouti, Dominican Republic, Gabon, Gambia, Georgia, Greece, Iran (Islamic Republic of), Kenya, Kyrgyzstan, Latvia, Lesotho, Liechtenstein, Lithuania, Oman, Malawi, Malta, Marshall Islands, Mauritania, Monaco, Mozambique, Palau, Saudi Arabia, Slovakia, Suriname, Tajikistan, Turkey, United Kingdom of Great Britain and Northern Ireland (Isle of Man), United Kingdom of Great Britain and Northern Ireland (Overseas Territories),

United Republic of Tanzania, Uzbekistan. During the same period, the Committee also considered the following 12 second periodic reports: Colombia, Denmark, Chile, Egypt, Ethiopia, Finland, Guatemala, Jordan, Lebanon, Norway, Paraguay, Portugal.

12. The following table indicates, by session, the States parties' reports considered by the Committee during the period covered by the biennial report. It further provides the document symbol of the session report in which the concluding observations of the Committee have been published, the symbols of States parties' reports considered by the Committee and the document symbol of the concluding observations published separately as a single document. An asterisk indicates a second periodic report:

	State party report	Concluding observations
Twenty-fourth session, 15 May-2 June 2000 (session report: CRC/C/97)		
Iran (Islamic Republic of)	CRC/C/41/Add.5	CRC/C/15/Add.123
Georgia	CRC/C/41/Add.4/Rev.1	CRC/C/15/Add.124
Jordan*	CRC/C/70/Add.4	CRC/C/15/Add.125
Norway*	CRC/C/70/Add.2	CRC/C/15/Add.126
Kyrgyzstan	CRC/C/41/Add.6	CRC/C/15/Add.127
Cambodia	CRC/C/11/Add.16	CRC/C/15/Add.128
Malta	CRC/C/3/Add.56	CRC/C/15/Add.129
Suriname	CRC/C/28/Add.11	CRC/C/15/Add.130
Djibouti	CRC/C/8/Add.39	CRC/C/15/Add.131
Twenty-fifth session, 18 September-6 October 2000 (session report: CRC/C/100)		
Finland*	CRC/C/70/Add.3	CRC/C/15/Add.132
Burundi	CRC/C/3/Add.58	CRC/C/15/Add.133
United Kingdom of Great Britain and Northern Ireland) (Isle of Man)	CRC/C/11/Add.19 and Corr.1	CRC/C/15/Add.134
United Kingdom of Great Britain and Northern Ireland (Overseas Territories)	CRC/C/41/Add.7 and 9	CRC/C/15/Add.135
Tajikistan	CRC/C/28/Add.14	CRC/C/15/Add.136
Colombia*	CRC/C/70/Add.5	CRC/C/15/Add.137
Central African Republic	CRC/C/11/Add.18	CRC/C/15/Add.138
Marshall Islands	CRC/C/28/Add.12	CRC/C/15/Add.139
Slovakia	CRC/C/11/Add.17	CRC/C/15/Add.140
Comoros	CRC/C/28/Add.13	CRC/C/15/Add.141

	State party report	Concluding observations
Twenty-sixth session, 8-26 January 2001 (session report: CRC/C/103)		
Latvia	CRC/C/11/Add.22	CRC/C/15/Add.142
Liechtenstein	CRC/C/61/Add.1	CRC/C/15/Add.143
Ethiopia*	CRC/C/70/Add.7	CRC/C/15/Add.144
Egypt*	CRC/C/65/Add.9	CRC/C/15/Add.145
Lithuania	CRC/C/11/Add.21	CRC/C/15/Add.146
Lesotho	CRC/C/11/Add.20	CRC/C/15/Add.147
Saudi Arabia	CRC/C/61/Add.2	CRC/C/15/Add.148
Palau	CRC/C/51/Add.3	CRC/C/15/Add.149
Dominican Republic	CRC/C/8/Add.40 and 44	CRC/C/15/Add.150
Twenty-seventh session, 21 May-8 June 2001 (session report: CRC/C/108)		
Denmark*	CRC/C/70/Add.6	CRC/C/15/Add.151
Turkey	CRC/C/51/Add.4 and 8	CRC/C/15/Add.152
Democratic Republic of the Congo	CRC/C/3/Add.57	CRC/C/15/Add.153
Guatemala*	CRC/C/65/Add.10	CRC/C/15/Add.154
Côte d'Ivoire	CRC/C/8/Add.41	CRC/C/15/Add.155
United Republic of Tanzania	CRC/C/8/Add.14/Rev.1	CRC/C/15/Add.156
Bhutan	CRC/C/3/Add.60	CRC/C/15/Add.157
Monaco	CRC/C/28/Add.15	CRC/C/15/Add.158
Twenty-eighth session, 24 September-12 October 2001 (session report: CRC/C/111)		
Mauritania	CRC/C/8/Add.42	CRC/C/15/Add.159
Kenya	CRC/C/3/Add.62	CRC/C/15/Add.160
Oman	CRC/C/78/Add.1	CRC/C/15/Add.161
Portugal*	CRC/C/65/Add.11	CRC/C/15/Add.162
Qatar	CRC/C/51/Add.5	CRC/C/15/Add.163
Cameroon	CRC/C/28/Add.16	CRC/C/15/Add.164
Gambia	CRC/C/3/Add.61	CRC/C/15/Add.165
Paraguay*	CRC/C/65/Add.12	CRC/C/15/Add.166
Uzbekistan	CRC/C/41/Add.8	CRC/C/15/Add.167
Cape Verde	CRC/C/11/Add.23	CRC/C/15/Add.168

	State party report	Concluding observations
Twenty-ninth session, 14 January-1 February 2002 (session report: CRC/C/114)		
Lebanon*	CRC/C/70/Add.8	CRC/C/15/Add.169
Greece	CRC/C/28/Add.17	CRC/C/15/Add.170
Gabon	CRC/C/41/Add.10	CRC/C/15/Add.171
Mozambique	CRC/C/41/Add.11	CRC/C/15/Add.172
Chile*	CRC/C/65/Add.13	CRC/C/15/Add.173
Malawi	CRC/C/8/Add.43	CRC/C/15/Add.174
Bahrain	CRC/C/11/Add.24	CRC/C/15/Add.175
Andorra	CRC/C/61/Add.3	CRC/C/15/Add.176

C. Progress achieved: trends and challenges of the implementation process

13. To assess achievements and challenges, as well as current trends in child rights, the Committee has decided to reflect in its biennial report its monitoring work undertaken during the period under review, with a particular focus on the "General measures of implementation" and the "General principles" of the Convention on the Rights of the Child.

1. General measures of implementation

14. Since the beginning of its work in 1990, the Committee has given high importance to what it refers to as the "General measures of implementation"[1]. These measures include legislative reform, coordination and monitoring of implementation, data collection and analysis, adequate budgetary allocation, cooperation with civil society, and dissemination of and training on the Convention. The Committee considers these measures as human rights implementation infrastructure, at the core of the process in the full realization of the human rights of children.

15. In the period covered by this report, the Committee examined 53 reports (see para. 11) and has observed the following.

(a) Legislation

16. While in a majority of cases States have published the Convention in official government publications, such as Official Gazettes, rarely has it been wholly incorporated into legislation, or can it be directly invoked before the courts. Thus, the Convention has largely been given status in form rather than substance.

17. In a majority of States legislation is not fully in conformity with the Convention. However, there have been moves by some States - albeit slowly - towards law reform, or to initiate comprehensive reviews of their laws with a view to reform. One difficult area the Committee has encountered has been in relation to customary or religious laws which, prima facie, often appear to conflict with provisions of the Convention. In most countries where domestic law exists, it impacts greatly on children's rights as it usually covers family law

matters. On the other hand, there are situations where the law is sufficient, but is not adequately enforced or implemented. This equally limits the enjoyment and exercise of the rights contained in the Convention.

(b) Reservations

18. Ironically, despite the fact that the Convention enjoys almost universal ratification, it is also subject to a large number of declarations and reservations. Of greater concern to the Committee, however, is the nature of the reservations, particularly where they are of a general nature, because they serve to restrict the application of the Convention. Making the implementation of the Convention contingent upon compatibility with domestic law potentially negates many of its provisions and further raises concerns as to the compatibility of such reservations with the object and purpose of the Convention.

19. The Committee has systematically appealed for the withdrawal of declarations and reservations, in accordance with the 1993 Vienna Declaration and Programme of Action. It has recommended to States that, at the very least, they study their reservations or narrow them, with a view to eventual withdrawal. Only one State party has done so during the period under consideration. The Committee is encouraged by some States having indicated their willingness to study and reconsider their reservations.

(c) Coordination

20. As the Convention covers the full spectrum of rights - civil, political, economic, social and cultural - effective implementation, whether in regard to policy-making, service delivery or other action, requires cooperation and coordination between different ministries as well as at all levels of Government. In the Committee's experience this requirement has rarely been met. The identification of a lead ministry, or the establishment of a specific coordinating body (i.e. inter-ministerial council or steering group) has occurred in only a few States.

21. The Committee has expressed concern at the fact that in several States parties, a single body had been mandated to both coordinate and monitor the implementation of the Convention. It is the belief of the Committee that these two crucial functions are incompatible and therefore should be undertaken by separate bodies.

22. Coordination is a particular challenge in federal States or other systems of government with a high degree of decentralized decision-making. Noting that decentralization may better cater to the needs of local populations, the challenge for the central Government is to ensure that local governments implement the standards and norms contained in the Convention, and are provided the resources to do so.

(d) National policy or plan of action on children's rights

23. The Declaration and Plan of Action of the 1990 World Summit for Children encouraged all States to adopt national plans of action to implement the commitments adopted. While many did so, these NPAs have been either neglected or given insufficient attention and resources to be adequately implemented.

(e) Independent monitoring and complaints mechanisms

24. In the majority of States examined in the period under consideration there is no adequate and independent system to monitor the enjoyment of human rights, let alone the implementation of the Convention. Some countries have ombudspersons, ombudspersons for children, child rights commissioners, or national human rights commissions, and no one specific model is favoured by the Committee. The basic requirement is that any institution should comply with the Principles relating to the status of national institutions for the promotion and protection of human rights, the "Paris Principles" (General Assembly resolution 48/134, annex). Where the national institutions have non-specific mandates, the Committee has encouraged States to ensure that their work specifically includes the area of child rights.

25. Integral to independent monitoring is a system for receiving and addressing individual complaints by children of violations of their rights. To be effective such systems need to be accessible to children, as well as child friendly. Few States have established such a mechanism.

26. Increasingly, public services (i.e. health and education) are being delivered by non-State actors, such as semi-private/private, for-profit/non-profit and religious organizations. It is of concern to the Committee that States have not always adopted appropriate means of monitoring the quality and effectiveness of these services and of ensuring that the provisions of the Convention are fully respected.

(f) Data collection and analysis

27. Data collection is a fundamental prerequisite for ensuring sound monitoring of child rights. It is a means of obtaining a picture of the child population, as well as providing a basis for designing policies and programmes and evaluating their effectiveness. Many States have yet to establish mechanisms to collect data concerning persons under 18 and covering all the areas of the Convention. Moreover, data disaggregated by various criteria (e.g. sex, age, nationality, etc.) are often unavailable, as are statistics relating to vulnerable groups of children (e.g. victims of ill-treatment, disabled children, minorities, children living in poverty, refugee children, children in conflict with the law, etc.).

(g) Resource allocation

28. Under article 4 of the Convention States undertake to implement economic, social and cultural rights to the maximum extent of their available resources. The Committee considers that systematic assessment of the impact of budgetary allocations and expenditures on persons under 18 is fundamental to ensuring implementation of article 4. Regrettably, few States have either undertaken such an analysis or have the capacity to do so.

29. Transition to market economies, structural adjustment programmes and high external debt repayments are among the factors and difficulties impeding the implementation of the Convention.

30. In decentralized or federal systems budgetary allocations for services relevant to children (e.g. health and social services, education) are sometimes the responsibility of local government. In such cases the central Government have limited ability to minimize disparities in the enjoyment of rights between different administrative entities.

31. The Committee has welcomed the commitments of some States to international cooperation and development assistance, as foreseen under the Convention. It regretted nevertheless that international aid budgets have decreased during the last decade. It also noted with concern that the United Nations target of 0.7 per cent of gross domestic product for international aid was not achieved by a large majority of donor countries. Unfortunately, some beneficiaries have not made sufficient efforts to ensure that an adequate proportion of such assistance is specifically allocated to children's rights programmes.

(h) Awareness raising, dissemination and training

32. Possibly one of the greatest obstacles to implementation that treaty bodies encounter is the lack of awareness of the public about the rights they hold. In some ways this obstacle is more challenging in relation to child rights because the dominant view in most societies is still largely paternalistic.

33. Despite scattered examples of active dissemination activities, awareness of the Convention remains low. The effectiveness of the means used to reach the target audience needs to be further examined. Common deficiencies have included: availability of texts and reports, especially translated into various languages; accessibility of information in the texts and reports, especially for children or non-specialists; dissemination and training of professionals working for/with children (e.g. parliamentarians, judges, lawyers, police, personnel working in places of detention, etc.); and systematic and ongoing dissemination and training activities.

34. Positive developments noted by the Committee have included: creative means of reaching illiterate populations (i.e. oral/visual); measures to sensitize traditional and religious leaders and communities on the rights of the child; good cooperation in this area with international non-governmental organizations and UNICEF; and national debates within parliaments to follow up on the concluding observations of the Committee.

(i) Cooperation with civil society

35. Cooperation with civil society, including NGOs, is vital to implementing the Convention, especially where a country has limited financial and human resources.

36. Overall, States generally do cooperate with civil society, but the sphere of cooperation tends to favour organizations engaged in welfare or social services rather than those involved in human rights, particularly civil rights. It is acknowledged that welfare organizations or charities are sometimes more visibly active in issues concerning children, and therefore seem to be natural partners in the implementation of the Convention. It remains a concern that many welfare organizations still do not have an integrated rights-based approach in their work. But at the same

time, the Committee has observed that insufficient efforts have been made by States to involve and facilitate the work of human rights NGOs to implement child rights, and in some rare cases have even restricted their activities.

37. A similar situation prevails with respect to consultations with civil society in the drafting of State party reports.

2. General principles

38. At its first session in 1991, the Committee identified four general principles of the Convention: non-discrimination (art. 2), the best interests of the child (art. 3), the right to life, survival and development (art. 6), and the respect for the views of the child (art. 12).[2] They are considered to be the overarching principles of the Convention, which should be read together with every right contained in it. In practice, this requires that the general principles be reflected in law, policies and programmes affecting children; however, this has not been apparent in the States parties' reports that the Committee has reviewed.

39. With respect to the general principles, on the basis of the 53 reports (see para. 11) examined the Committee has observed the following.

(a) Non-discrimination

40. While most States prohibit discrimination without explicitly referring to children, of greater concern to the Committee is that the grounds for non-discrimination in the law are not as extensive as those spelled out in article 2 of the Convention. Moreover, States do not always extend protection to all children within their jurisdiction, including non-nationals, refugees and asylum-seekers.

41. In addition to the prohibited grounds of discrimination in article 2, the Committee has identified groups of children who may be especially vulnerable to experiencing disparities in the enjoyment of their rights. These include children living in conflict areas, institutions, rural/remote regions, poverty, children in conflict with the law, street children, children affected by HIV/AIDS, and refugee/internally displaced children. Ensuring adequate access to adequate health, education and other social services for these groups of children is no less an obligation for States, and requires increased attention.

42. Gender discrimination continues to feature prominently. The minimum age for marriage is typically lower for girls than for boys, and this is often related to limited access to education or sex-typed education for girls. On the other hand, in some States gender bias is seen when boys underperform or underachieve in school in comparison with girls. Children also suffer indirectly from discriminatory personal status laws or practices directed against their mothers, especially in regard to custody, guardianship and nationality rights.

43. Discrepancies in the minimum age for sexual consent in relation to adolescents' sexual orientation is increasingly being observed by the Committee.

44. Rising trends of racial discrimination and xenophobia have been seen, especially in the context of refugees, asylum-seekers and displaced persons. Since the 2001 World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance the Committee in its recommendations to States has systematically requested them to provide information in subsequent reports on measures taken to implement the relevant commitments of the Durban Declaration and Plan of Action (A/CONF.189/12, chap. I).

(b) Best interests of the child

45. The principle of best interests of the child is not sufficiently accorded primary consideration in decisions affecting children, whether in the family, or at the policy, judicial or administrative level. For example, in some countries decisions under family law (e.g. award of custody) are made based on the child's age rather than his/her best interests. Status determination under national refugee laws has been another problematic area in this regard.

(c) Right to life, survival and development

46. The Committee has expressed grave concern with respect to the situation of children living in areas affected by armed conflict. In addition to death and physical injuries - in some instances extrajudicial killings, disappearances and torture - children also are vulnerable to displacement, disability, malnutrition and related illnesses that threaten their lives, survival and development.

47. During the period under consideration, some States' practices of sentencing persons under 18 to life imprisonment and the death penalty have come to the attention of the Committee. These are clear violations of the Convention. Furthermore, detention conditions are so poor in some States that they potentially endanger the life of young detainees.

48. Grave concern has been expressed at policies of "social cleansing", i.e. the killing of street children, and impunity for the perpetrators, who are often law enforcement officials. Similarly, impunity or token punishments for perpetrators of honour crimes have been strongly criticized.

49. The Committee has observed with respect to some States that HIV/AIDS has affected dramatic proportions of the population. It recognizes that ensuring the right to life, survival and development of children imposes serious short-and long-term challenges.

50. Harmful traditional practices (e.g. female genital mutilation and the killing of breech-birth babies) and the incidence of road accidents have also been identified as issues of concern in some States.

(d) Respect for the views of the child

51. Progress of States in ensuring respect for the views of children has been slow and hampered by traditional societal attitudes towards children. Essentially, the foundation for the participation of children as rights-holders starts within the family and at school. The establishment of youth parliaments has been welcomed in this regard, but concern arises where these parliaments are a form of tokenism or have been established through a non-participatory process. Commonly, paternalistic views are reflected in judicial processes, such as child custody, adoption and criminal justice.

IV. OVERVIEW OF THE OTHER ACTIVITIES OF THE COMMITTEE

A. Methods of work

1. Reporting process

52. At its 776th meeting, held on 31 January 2002, the Committee decided to send a letter to all States parties whose initial reports were due in 1992 and 1993, requesting them to submit those reports within one year. The Committee further decided to inform those States parties in the same letter that should they not report within that time, the Committee would consider the situation of child rights in the State in the absence of an initial report, as foreseen in the Committee's "Overview of the reporting procedures" (CRC/C/33, paras. 29-32) and in light of rule 67 of the Committee's provisional rules of procedure (CRC/C/4).

2. Reporting guidelines

53. At its 736th meeting, held on 3 October 2001, the Committee adopted the guidelines regarding initial reports to be submitted by States parties under article 8, paragraph 1, of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict. Those guidelines are reproduced in the present report in annex VI.

54. At its 776th meeting, held on 31 January 2002, the Committee adopted the guidelines regarding initial reports to be submitted by States parties under article 12, paragraph 1, of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography. Those guidelines are reproduced in annex VII.

3. Support to the Committee: Plan of Action to strengthen the implementation of the Convention

55. The Committee has searched for appropriate solutions to address its significant and increasing workload, including the backlog of reports. In 1995, the Committee had discussed with the United Nations High Commissioner for Human Rights ways in which increased support might be provided. In November 1996, the High Commissioner launched the Plan of Action to strengthen the implementation of the Convention, which became operational in July 1997.

During the period under review, the Committee greatly profited from the technical and substantive assistance of the support team in the Office of the High Commissioner. This team is in great part funded through voluntary contributions to the OHCHR Programme to Strengthen the Support to Treaty Bodies.

56. Under its Plan of Action to strengthen the implementation of the Convention, OHCHR organized, with Defence for Children International, an international NGO, an activity in follow-up to a recommendation adopted in 1997 by the Committee concerning the administration of juvenile justice (CRC/C/15/Add.80, para. 36). This activity also took place within the framework of the United Nations Coordination Panel on Technical Advice and Assistance in Juvenile Justice, and also involved UNICEF-Uganda. A national seminar, entitled "Strategy development and training in the administration of juvenile justice", was organized and attended by over 70 participants from all concerned parties, including State administration and national organizations. Mr. Doek represented the Committee and participated as resource person (see also CRC/C/103, para. 537).

4. General comments

57. At its 695th meeting, held on 25 January 2001, the Committee adopted its first general comment, on article 29, paragraph 1 (aims of education) of the Convention (annex VIII). The drafting process of this first general comment was significantly facilitated by the provision of financial resources under the Programme to Strengthen the Support to Treaty Bodies. It also involved broad consultation with expert persons and groups, including the Committee on Economic, Social and Cultural Rights, OHCHR, the United Nations Educational, Scientific and Cultural Organization, UNICEF and Save the Children-Sweden.

58. At its 736th meeting, held on 3 October 2001, the Committee continued its discussion on possible issues to be the subject of future general comments. It decided to launch the process of drafting general comments, in consultation with partners, on: (a) the role of national human rights institutions with regard to child rights; and (b) HIV/AIDS and child rights. In the process of drafting those general comments, the Committee consults closely with many partners including the five other human rights treaty bodies, OHCHR, UNAIDS, UNICEF, the World Health Organization, the United Nations Population Fund, the European Network for Ombudsperson for Children (ENOC), and representatives of the academic and NGO communities.

5. Amendment to article 43, paragraph 2 of the Convention

59. In December 1995 the General Assembly, in its resolution 50/155, adopted an amendment to article 43, paragraph 2, of the Convention on the Rights of the Child in order to increase the membership of the Committee on the Rights of the Child from 10 to 18 members. Such an increase was considered crucial given the extremely heavy workload of the Committee, mainly as a result of the very encouraging high number of ratifications.

60. In accordance with article 50, paragraph 2, of the Convention, the amendment will enter into force when it has been accepted by a two-thirds majority of States parties (128 out of 191). As of 1 February 2002, 113 instruments of acceptance had been deposited. The Committee, OHCHR and UNICEF have been actively encouraging States parties to facilitate the acceptance of the proposed amendment in their country and to submit their instrument of notification to the Secretary-General.

B. International cooperation and solidarity for the implementation of the Convention

1. Cooperation with United Nations and other competent bodies

61. During the period covered by the present report, the Committee pursued its cooperation with United Nations bodies, specialized agencies and other competent bodies.

62. At its twenty-fourth, twenty-sixth and twenty-ninth sessions, the Committee held meetings with United Nations agencies and bodies as well as non-governmental organizations to discuss their cooperation in the promotion and implementation of the Convention on the Rights of the Child. UNICEF, the International Labour Organization, OHCHR, the Office of the United Nations High Commissioner for Refugees, UNESCO, WHO and the NGO Group for the Convention on the Rights of the Child systematically attend these meetings.

63. Further, the Committee also held informal meetings with the following United Nations agencies and bodies and other competent bodies (the documents referred to in parentheses contain detailed information on those meetings):

United Nations bodies and agencies

UNICEF (CRC/C/100, paras. 663-665; CRC/C/108, paras. 548-550);

ILO (CRC/C/111, paras. 670-673).

Non-governmental organizations

EPOCH-Worldwide (CRC/C/97, para. 587);

International Bureau for Children's Rights (CRC/C/103, paras. 556-557);

Coalition to Stop the Use of Child Soldiers (CRC/C/108, para. 547);

World Organization against Torture (CRC/C/108, para. 551).

Others

Dresden Children's Committee of the German National Committee for UNICEF (CRC/C/100, para. 661);

Raoul Wallenberg Institute of Human Rights and Humanitarian Law (CRC/C/100, para. 662);

European Network of Ombudsmen for Children (ENOC, CRC/C/103, paras. 568-570);

Youth Ambassadors from Hong Kong (CRC/C/103, para. 573);

Defence for Children International (CRC/C/108, para. 543);

London School of Economics and Political Science (CRC/C/108, para. 546);

Network for protecting the rights of the child in deportation procedures, Japan (CRC/C/108, para. 553);

Special Adviser to the United Nations High Commissioner for Human Rights on national human rights institutions (CRC/C/108, para. 554).

64. The Committee also held informal meetings with experts from the following other United Nations human rights mechanisms:

Voluntary Trust Fund on Contemporary Forms of Slavery (CRC/C/103, para. 572);

Special Rapporteur on the sale of children, child prostitution and child pornography (CRC/C/111, para. 670);

Special Rapporteur on adequate housing as a component of the right to an adequate standard of living (CRC/C/108, paras. 544-545);

Special Rapporteur on the right to food (CRC/C/108, para. 552);

Special Rapporteur on freedom of religion (see CRC/C/114, forthcoming).

65. The Chairperson of the Committee participated in the twelfth and thirteenth meetings of persons chairing the human rights treaty bodies.

66. Members of the Committee also addressed, during 2000, the two working groups of the Commission set up to examine the questions of a draft optional protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography.

2. Participation in United Nations and other relevant meetings

67. The Committee was represented at a number of meetings relevant to its activities, including:

Second meeting of the United Nations Coordination Panel on Technical Advice and Assistance in Juvenile Justice (CRC/C/97, para. 575 and paras 592-596);

World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance (CRC/C/97, paras. 588-560; CRC/C/100, para. 654; CRC/C/103, para. 551);

The application of human rights to reproductive sexual health - Glen Cove + 5 (CRC/C/111, para. 667);

International Consultative Conference on School Education in relation with Freedom of Religion and Belief, Tolerance and Non-Discrimination (see CRC/C/114, forthcoming);

Second World Congress against Commercial Sexual Exploitation of Children (ibid).

68. The Committee made the following contributions and statements:

Contribution of the Committee to the first session of the Preparatory Committee for the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance (A/CONF.189/PC.1/15);

Statement of the Committee at the International Consultative Conference on School Education in relation with Freedom of Religion and Belief, Tolerance and Non-Discrimination (annex IX).

69. At its 703rd meeting, held on 25 May 2001, the Committee adopted a statement to the twenty-fifth special session of the General Assembly for an overall review and appraisal of the implementation of the outcome of the United Nations Conference on Human Settlements (Habitat II) (New York, 6-8 June 2001) (annex X).

70. At its 721st meeting, held on 8 June 2001, the Committee adopted a statement to the third session of the Preparatory Committee for the special session of the General Assembly on children (New York, 11-15 June 2001) (annex XI).

71. At its 721st meeting, held on 8 June 2001, the Committee adopted a statement to the second session of the Preparatory Committee for the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance (Geneva, 21 May-8 June 2001) (annex XII).

72. Committee members also participated in a variety of meetings at the international, regional and national levels where issues relevant to the rights of the child were raised.

3. Other related activities

73. In accordance with article 45 (c) of the Convention on the Rights of the Child, and following its two days of general discussion on "Children and violence" (2000-2001; see also chap. IV, sect. D of the present report), the Committee on the Rights of the Child requested the Secretary-General, through the General Assembly, to conduct an in-depth international study on violence against children.

74. In a letter dated 12 October 2001 from the Chairperson of the Committee on the Rights of the child addressed to the Secretary-General, (A/56/488, annex) the Committee specified that the study should:

(a) Be guided by the Convention on the Rights of the Child and other relevant international standards and take full account of the recommendations adopted by the Committee at its days of general discussion in 2000 and 2001;

(b) Document the different types of violence of which children are victims, the prevalence of such violence and its impact on children, adults and societies. Areas of study should include violence within the family and the home, in schools and care or residential institutions, both State and private, in work situations and in the streets, in detention facilities and prisons, violence by police, and the use of capital and physical punishment. Violence should include all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, including sexual abuse, bullying in schools and corporal punishment. Attention should be paid to the impact of discrimination (including discrimination based on gender, race, economic status, etc.) on the patterns of violence and vulnerability experienced by children;

(c) Seek to identify the causes of and factors contributing to violence against children, including factors - such as the role of legislation, public education and training of professionals - that contribute to or obstruct prevention, protection and recovery, and explore the links between various provisions of the Convention on the Rights of the Child and other international human rights treaties in relation to violence against children;

(d) Draw primarily on existing research and documentation, including reports to and of the Committee on the Rights of the Child, special rapporteurs and other United Nations and United Nations-related bodies, including UNESCO, UNICEF, the United Nations Development Fund for Women (UNIFEM), UNFPA and WHO, and studies conducted by academics, research institutions and non-governmental organizations. The study should collect information on various human rights mechanisms and United Nations bodies and agencies and the extent to which the problem of violence against children is addressed in their activities from a human rights perspective;

(e) Be conducted in collaboration with all United Nations agencies and bodies, particularly the Committee on the Rights of the Child, OHCHR and the United Nations human rights mechanisms, UNICEF, WHO and UNESCO, as well as with relevant non-governmental organizations, academic institutions and international professional organizations, and involve children themselves.

75. On this basis, and taking into account information on the effectiveness of existing approaches, the study should lead to the development of strategies aimed at effectively preventing and combating all forms of violence against children, outlining steps to be taken at the international level as well as by States to provide effective prevention, protection, intervention, treatment, recovery and reintegration.

76. At its fifty-seventh session, the General Assembly adopted resolution 56/138 on the rights of the child in which the Assembly decided to request the Secretary-General to conduct a study on the question of violence against children. The Committee intends to continue to be closely involved in the process leading to the preparation of the report.

C. General thematic discussions

1. State violence against children

77. In the light of rule 75 of its provisional rules of procedure, the Committee on the Rights of the Child has decided periodically to devote one day of general discussion to a specific article of the Convention or to a theme in the area of the rights of the child in order to enhance understanding of the contents and implications of the Convention.

78. At its twenty-third session, in January 2000, the Committee decided to devote two annual days of general discussion (in September 2000 and September 2001) to the theme "Violence against children". In an outline prepared at its twenty-fourth session to guide the general discussion (CRC/C/97, annex VI), the Committee pointed out that the Committee had already held several discussion days on issues of relevance to this topic, including:

In 1992 on children in armed conflict;

In 1993 on economic exploitation of children;

In 1994 on the role of the family in the promotion of the rights of the child;

In 1995 on the administration of juvenile justice.

In order to have time for more detailed consideration, the Committee decided to focus the discussion of "Violence against children" in 2000 on State violence suffered by children living in institutions managed, licensed or supervised by the State, and in the context of "law and public order" concerns. In 2001, the focus would be on the problems of violence suffered by children in schools and within the family. This division did not imply any conceptual distinction and should not be seen as negating the many aspects shared by all forms of violence exerted against children.

79. The Committee noted that article 20 of the Convention clearly states that "a child temporarily or permanently deprived of his or her family environment, or in whose own best interests cannot be allowed to remain in that environment, shall be entitled to special protection

and assistance provided by the State". Unfortunately, it is often children deprived of family protection who are the most common victims of the worst forms of mistreatment and abuse, and too often such abuse takes place either at the hands of State agents or is made possible by their approval, tolerance or neglect.

80. The division of the discussion of State violence into two subthemes for in-depth discussion by working groups during the day of general discussion would unavoidably lead to a certain amount of overlap. The two working groups would concentrate on the following issues:

(a) Working Group I, on "Mistreatment, abuse and neglect of children in the care of the State". The State has a particular obligation to protect from all forms of abuse those children deprived of a family environment who have been entrusted to its care (Convention, art. 20). This duty of special protection extends to children who have been placed for adoption or in foster care. However, the State can most easily take direct action to prevent violence against children placed in institutions which are managed by the State, either directly (public institutions), or through licensing and supervision systems (private institutions);

(b) Working Group II, on "Violence against children in the context of 'law and public order' concerns". At all stages of the juvenile justice process, children who are alleged to have committed offences are entitled to be treated "in a manner consistent with the promotion of the child's sense of dignity and worth" (art. 40.1). Children have the right to be protected from all forms of torture, cruel, inhuman or degrading treatment or punishment (art. 37 (a)) and any other form of abuse (art. 19). Street children have been among the most vulnerable victims of the most extreme forms of violence, including extrajudicial or summary execution, in many countries. Homeless children are particularly vulnerable to such violence. Violence against this group of children represents a particularly egregious violation of their rights (arts. 6 and 37), as it follows upon the failure of the State to offer protection and care to children whose rights are already under attack.

81. The discussion might include issues such as the definitions of torture or abuse within the meanings of article 37 (a) and article 19 (1) of the Convention. However, the Committee wished to explore broader aspects of these themes, and the key objectives of the meeting would be:

(a) To present, analyse and discuss the nature, extent, causes and consequences of violence against children as described above;

(b) To present and discuss policies and programmes (including legislative and other measures) at the national and international levels to prevent and reduce these types of violence against children and to treat and rehabilitate victims of such violence;

(c) And, in particular, to present recommendations focusing on concrete measures which should and could be taken by States parties to the Convention to reduce and prevent violence against children in these circumstances.

82. As at previous thematic discussions, the Committee invited representatives of United Nations organs, bodies and specialized agencies, as well as other competent bodies, including non-governmental organizations, research and academic organizations and individual experts, to contribute to the discussion. Several organizations and individual experts submitted contributions and other relevant documents on the theme.

83. A detailed report of the proceedings of the day of general discussion is contained in the report of the Committee on its twenty-fifth session (CRC/C/100, chap. V). The recommendations adopted are reproduced below:

AT THE INTERNATIONAL LEVEL

1. The Committee recommends that the Secretary-General be requested, through the General Assembly, to conduct an in-depth international study on the issue of violence against children, as thorough and influential as the 1996 report of the expert of the Secretary-General, Mrs. Graça Machel, on the impact of armed conflict on children (A/51/306). Such a study should:

(a) Explore the different types of violent treatment of which children are victims (including State violence, as well as violence in the home and in schools), identify their causes, the extent of such violence and its impact on children;

(b) Explore the links between different provisions of the Convention on the Rights of the Child and other international human rights treaties in relation to violence against children;

(c) Collect information on the activities of different human rights mechanisms and United Nations bodies and agencies and the extent to which the problem of violence against children is addressed in those activities from a human rights perspective;

(d) Put forward recommendations regarding actions to be taken, including effective remedies and preventative and rehabilitation measures.

2. The Committee will consider the preparation of a set of general comments on different forms of violence against children.

3. The Committee urges all States, concerned United Nations agencies and bodies and non-governmental organizations to give priority attention to violence against children at the United Nations General Assembly Special Session on Children in 2001, and to include steps to eliminate such violence in its resulting plan of action.

4. The Committee recommends that efforts be made by United Nations human rights mechanisms with a mandate to consider individual complaints concerning violations of human rights to identify ways to respond more effectively to individual complaints concerning violence against children. It encourages non-governmental organizations to disseminate information about the existence and functioning of relevant mechanisms, including those under the Optional Protocol to the International Covenant on Civil and Political Rights, under article 22 of

the Convention against Torture, and under the new Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women. Information should also be disseminated about other United Nations human rights mechanisms for urgent action, particularly by the Special Rapporteurs on the question of torture and on extrajudicial, summary or arbitrary executions and by the Working Groups on Enforced or Involuntary Disappearances and on Arbitrary Detention. The Committee also encourages non-governmental organizations and others to consider ways in which they can provide legal and other assistance for bringing individual complaints related to violations of the right of children to be protected against torture and other forms of violence before the relevant United Nations and regional human rights mechanisms.

5. The Committee recommends that effective measures be sought in order to strengthen existing United Nations human rights mechanisms to ensure that violence against children and the situation of children living and/or working in the streets is adequately addressed. The Committee encourages the Office of the High Commissioner for Human Rights to organize a special workshop for all relevant treaty bodies, special procedures, and United Nations bodies and agencies to examine:

(a) Violence against children;

(b) The effectiveness of existing United Nations mechanisms in addressing this phenomenon;

(c) The need for improving and possible ways to improve such effectiveness, including consideration of the need to review the application of the existing definition of torture in order to take into account more adequately the special characteristics of children;

(d) The possible need for either an optional protocol to the Convention to establish a procedure for individual complaints, or the establishment of a new "special procedure" of the Commission on Human Rights; and

(e) Consideration that could be given to providing from within existing United Nations voluntary funds, assistance for the rehabilitation of child victims of violence.

REVIEW OF LEGISLATION

6. The Committee urges States parties to repeal, as a matter of urgency, any legislation that allows the imposition of unacceptable sentences (death or life imprisonment) for offences committed before the age of 18, contrary to the provisions of article 37 (a) of the Convention.

7. The Committee recommends that States parties review all provisions of criminal legislation, including on criminal procedure, dealing with children under 18 (including any special legislation applying to armed forces) so as to ensure that it reflects appropriately the provisions of the Convention on the Right of the Child (arts. 37 and 40). It also recommends that States parties consider incorporating into all relevant domestic laws and regulations

(including, where appropriate, those dealing with children in care) the provisions of the United Nations Standard Minimum Rules for the Administration of Juvenile Justice ("The Beijing Rules", adopted by General Assembly resolution 40/33 of 29 November 1985), of the United Nations Guidelines for the Prevention of Juvenile Delinquency (The Riyadh Guidelines, adopted by General Assembly resolution 45/112 of 14 December 1990), of the United Nations Rules for the Protection of Juveniles Deprived of their Liberty (adopted by General Assembly resolution 45/113 of 14 December 1990), and of the Guidelines for Action on Children in the Criminal Justice System (the Vienna Guidelines, annexed to Economic and Social Council resolution 1997/30 of 21 July 1997). In particular, the Committee recommends that penal legislation applicable to juveniles be reviewed so as to ensure that courts are not restricted to custodial sentences disproportionate to the offence.

8. The Committee recommends that States parties review all relevant legislation to ensure that all forms of violence against children, however light, are prohibited, including the use of torture, or cruel, inhuman or degrading treatment (such as flogging, corporal punishment or other violent measures), for punishment or disciplining within the child justice system, or in any other context. The Committee recommends that such legislation incorporate appropriate sanctions for violations and the provision of rehabilitation for victims.

9. The Committee recommends that States parties review all relevant legislation to ensure that children under 18, who are in need of protection are not considered as offenders (including legislation dealing with abandonment, vagrancy, prostitution, migrant status, "truancy", runaways, etc.) but are dealt with under child protection mechanisms.

10. The Committee recommends that States parties review emergency and/or national security legislation to ensure that it provides appropriate safeguards to protect the rights of children and prevent violence against them, and that it is not used inappropriately to target children (for example, as threats to public order or in response to children living or working on the streets).

11. The Committee recommends, in particular, that States parties give urgent consideration to the need to provide appropriate safeguards to guarantee the security, protection and rehabilitation of children held in custody, including through measures such as the imposition of strict limits on pre-trial detention, that would reduce the number of children held in detention.

12. The Committee recommends that States parties review legislation dealing with children deprived of a family environment to ensure that placement decisions are subject to periodic judicial review, including at the request of children themselves. Such legislation should also be reviewed so as to ensure that relevant rules and regulations set out detailed standards of care for all institutions (public and private) caring for children, including the prohibition of the use of violence.

13. The Committee recommends that the effective implementation of all such legislation be carefully monitored, including for the provision of necessary resources.

AWARENESS-RAISING, SENSITIZATION AND TRAINING

14. The Committee encourages States parties, NGOs, United Nations human rights mechanisms, United Nations agencies and other bodies to give priority to raising awareness about the problem of violence against children:

(a) The Committee urges the launching of public information campaigns to raise awareness and sensitize the public about the severity of human rights violations in this domain and their harmful impact on children, and to address cultural acceptance of violence against children, promoting instead "zero tolerance" of violence;

(b) The media should be encouraged to play an active role in educating the public and raising awareness. Negative reporting (blaming categories of children for individual incidents) should be avoided and positive reporting (calling attention to the violations) encouraged;

(c) In raising awareness, children's views and experiences of violence should be publicized and heard;

(d) Accurate, up-to-date and disaggregated data should be collected on the numbers and condition of children living in institutions or in the care of the State, held in pre-trial detention or in police stations, serving custodial sentences or subject to diversionary or alternative measures, etc.;

(e) States parties should translate appropriate information on violence against children into its national and local languages, and ensure that it is disseminated to all relevant professional groups, to children and to the general public.

15. The Committee recommends that minimum standards be set for the professional qualification and training of individuals working in institutions caring for children, in alternative systems, in the police, and in juvenile penal institutions, including the condition that they not have a prior record of violence. The professional status, rewards and career incentives for such workers should ensure that appropriate qualifications can be requested for these professional groups.

16. The Committee recommends that States parties, in partnership with relevant NGOs and seeking international technical assistance where appropriate, ensure training in child rights for all relevant professional groups including, but not limited to, care and social workers, health professionals, lawyers, the judiciary, members of police and other security forces, staff of penal institutions, etc. Such training should follow interdisciplinary methods promoting collaborative approaches, include relevant human rights standards and non-violent methods of discipline, promote alternatives to institutionalization, and provide information on child development, and on the background, rights and needs of specially vulnerable groups of children (those from minority groups, children with disabilities, etc.).

PREVENTION, INCLUDING ALTERNATIVES TO INSTITUTIONALIZATION

17. The Committee recommends that States parties develop the use of alternative measures in order to avoid long-term placement of children in institutions that do not provide the type of setting children need, not only for survival, but also for development, including psychological, mental, spiritual, moral, psychological and social development, in a manner compatible with human dignity and to prepare the child for an individual life in a free society, in accordance with article 6 of the Convention.

18. The Committee also recalls to the attention of States parties the provisions of paragraphs 3 (b) and 4 of article 40 of the Convention, which call on State parties to deal with children alleged to have infringed or recognized as having infringed penal law without resorting to judicial proceedings, whenever appropriate, and by ensuring the availability of a variety of alternatives to institutional care to deal with such children in a manner appropriate for their well-being and proportionate to their circumstances as well as to the offence.

19. The Committee recommends that efforts be made to implement fully the provisions of article 18 (2) of the Convention, providing appropriate assistance to parents and legal guardians in their child-rearing responsibilities. The Committee notes that home visits by case workers with workloads small enough to allow for them can be effective in reducing the need for institutionalization.

20. In particular, the Committee points out that, in accordance with the provisions of article 23 of the Convention, special care as well as access to education, training, health care and rehabilitation services, preparation for employment and recreation opportunities should be provided in a manner "conducive to the child's achieving the fullest possible social integration and individual development". The Committee encourages States parties to make every effort to provide assistance for children with disabilities and support services for their families, to the maximum extent possible on an out-patient or community basis, thereby avoiding removal of children with disabilities from their families for placement in institutions.

21. The Committee recommends that States parties make every effort to implement fully the provisions of article 20 (3) of the Convention; that special protection provided to children deprived of a family environment include as preferable options providing for the placement of children with suitable families, including members of their own families (including, where appropriate, child-headed families), foster families or adoptive families, whenever appropriate, and providing such families with the necessary support and supervision; and that regularly temporary placements be monitored and reviewed. In developing such alternatives, States should consider the special needs of children affected by HIV/AIDS. Efforts should be made to involve children and their parents in decisions regarding the most appropriate care and placement alternatives for the child.

22. The Committee recommends that, for children placed in institutions, consideration be given to the following:

(a) Small institutions caring for children in home-type settings often have a better record of caring for children;

(b) Smaller institutional settings, or the delivery of care and assistance to children and support to their families can be less costly and preferable for the full enjoyment of the human rights of children than institutionalization in large, sometimes impersonal institutions;

(c) A lesser number of better trained professionals can deliver more appropriate care to children than a large number of poorly trained or untrained workers;

(d) Efforts should be made to ensure contact between the child and his or her family (when appropriate) and to avoid the isolation of children in institutions (for example, by ensuring that education, recreation, or health services are provided outside the institution).

23. The Committee recommends that States parties consider the introduction of schemes for judges and magistrates to work with probation and social work staff to assess non-custodial alternatives. The Committee also encourages consideration of alternatives to pre-trial detention such as conditional release and bail schemes. Consideration should also be given to the use of traditional and local level mechanisms - where they are compatible with international human rights principles and rules - as a means of diverting children from contact with the more formal criminal justice system.

24. The Committee recommends that States parties make every effort to ensure, in recruiting staff to care for children in all types of institutions, that due attention is given to the need to ensure the capacity of staff to make effective use of non-violent methods of discipline. Institutions should adopt anti-bullying and anti-violence strategies and policies, and provide training for staff in their implementation.

25. The Committee recommends that special training be given to encourage direct dialogue between police and children living or working in the streets. It also recommends that States parties develop community-based support systems for such children, provide access to social workers and promote education or employment training opportunities without requiring institutionalization.

MONITORING AND COMPLAINT MECHANISMS

26. The Committee recommends that urgent attention be given to ensuring the establishment and effective functioning of systems to monitor the treatment received by children deprived of a family or alleged or recognized to have infringed penal law, and to provide advice to improve their care and condition. Such monitoring should:

(a) Ensure full access to facilities and records, and inspection of all institutions (both public and private, and including police stations and penal institutions);

(b) Permit unannounced visits, and include the holding of private consultation with children and staff;

(c) Monitor the status and condition of the children and their development, rather than focus only on the state of the facilities or the provision of services;

(d) Provide input for the regular review of placements;

(e) Make adequate provision for reporting or complaints to be received from the institution, staff, children themselves, their parents or legal guardians, and from NGOs or other institutions of civil society, while providing appropriate protection from reprisals, particularly for children and staff;

(f) Include mandatory reporting by staff of incidences of violence;

(g) Ensure that children are informed and aware about the existence and functioning of complaints mechanisms, that they are involved in the design of appropriate mechanisms, and that their special needs are taken into account (for example, by avoiding the need for children to repeat their statements unless absolutely necessary), including those with disabilities, different linguistic abilities, etc;

(h) Provide full guarantees of independent and thorough investigation of any complaints, including judicial investigation for any deaths or cases of grievous bodily harm, and ensure that the perpetrators of violence are appropriately disciplined, including, when warranted, the possibility of dismissal and the bringing of criminal charges;

(i) Ensure that full reports on any investigations are made public (while maintaining the rights of the child to privacy) and made known to relevant government officials and policy makers.

27. The Committee recommends that medical and psychological services and rehabilitation provided to children in care or in detention be provided independently of the authorities running such institutions, and that provision be made to ensure that children can participate in the monitoring of the conditions of care.

28. The Committee recommends that consideration be given to the establishment of services to provide counselling, advice and support for child victims of violence including, for example, telephone hotlines or similar mechanisms.

Resources

29. The Committee draws the attention of States parties, United Nations bodies and agencies, organizations of civil society and other bodies to the need to ensure that adequate resources are allocated to the protection and rehabilitation of children in care and of children alleged or recognized to have infringed penal law, so as to ensure effective prevention of all forms of violence.

30. The Committee reminds States parties that under the provisions of article 4 of the Convention, only "economic, social and cultural rights" are subject to implementation to the "maximum extent of available resources" while States parties "shall undertake all appropriate

legislative, administrative and other measures" for the implementation of all other rights, including the right of children to be free from torture, and cruel and inhuman or degrading treatment (in accordance with art. 37 (a)) and the right to be protected from all forms of violence and abuse (art. 19).

31. The Committee encourages States parties and donors of international technical assistance to allocate resources to programmes and measures designed to improve prevention, protection and rehabilitation mechanisms for children exposed to all forms of State violence.

32. The Committee recommends that States parties ensure that additional resources are allocated to improve the conditions under which children are cared for or held, including by improving the professional status of those working for or in contact with children. It urges States parties and others to ensure that available resources are used in the manner most conducive to preventing and protecting children from all sorts of violence. The Committee calls attention to the need to consider the allocation of resources as part of the effort to review the relevant legislation.

Role of non-governmental organizations

33. The Committee encourages non-governmental organizations to devote increased attention to the prevention of and protection of children from State violence. It urges NGOs to consider providing legal assistance to children and their advocates and assisting Governments to formulate appropriate prevention, protection and rehabilitation measures, in addition to monitoring the situation of children in vulnerable circumstances.

34. The Committee encourages NGOs in particular to support States parties and children in efforts to ensure that children's views and experiences of violence are heard and taken into account in public debate and policy.

35. The Committee points out that NGOs in their provision of services to children should ensure that the State does not avoid its own obligations by delegating NGOs to provide services and care to children without providing both the necessary resources and appropriate supervision.

36. In accordance with the provisions of article 45 (a) of the Convention, the Committee encourages NGOs to prepare and present to it information regarding all forms of violence against children, including culturally "acceptable" forms.

2. Violence against children within the family and schools

84. At its twenty-seventh session, the Committee adopted the routine for the thematic debate on this subject scheduled to take place at its twenty-eighth session (CRC/C/103, annex VIII.)

85. Once again, the subject was divided into two sub-themes, each to be addressed by a working group. The two working groups would concentrate on the following issues:

(a) Working Group I - violence within the family. The Convention on the Rights of the Child enshrined the principle that parents and guardians bear the primary duty and responsibility for the upbringing of children, with the necessary support of the State (arts. 5 and 18). Article 19 requires States to take all appropriate measures to protect children from all forms of violence, abuse, neglect and maltreatment, including sexual abuse while in the care of parents or legal guardians;

(b) Working Group II - violence in schools. The first aspect of violence against children that violated the rights of children in schools was that exerted by teachers upon students in the name of school discipline. Such methods of "discipline" (including corporal punishment, but also other treatment that can be defined as "cruel, inhuman or degrading") were not consistent with the requirement of respect for the child's dignity and his or her rights under the Convention, as specifically required by article 28.2. Discussions of violence against children in schools would also be expected to cover the problem of bullying, or violence and harassment suffered by students at the hands of other students. The failure to prevent such forms of violence and to protect students from them could deny children their right to education as set out in articles 28 and 29 of the Convention, as well as in its general principles and in particular the right to development enshrined in article 6.

86. The key objectives of the meeting would be:

(a) To present, analyse and discuss the nature, extent, causes and consequences of violence against children as described above;

(b) To present and discuss policies and programmes (including legislative and other measures) at the national and international levels to prevent and reduce these types of violence against children;

(c) And, in particular, to present recommendations focusing on concrete measures which should and could be taken by States parties to reduce and prevent violence against children in these circumstances, including in particular:

(i) the review of relevant legislation; and

(ii) useful strategies for public information and education campaigns designed to change cultural values and social attitudes that sanction the use of violence against children, in schools and within the family;

(d) To complement the recommendations adopted by the Committee as a result of the day of general discussion held in September 2000 on "State violence against children" and examine their relevance to the two sub-themes of violence against children in schools and within the family.

87. The proceedings of the day of general discussion are contained in the report of the Committee on its twenty-eighth session (CRC/C/111, chap. V). The recommendations adopted are reproduced below.

Guiding principles

1. The Committee urges that references to "family" and "school" not be understood as narrowly defined. The references to "family" (or to "parents") must be understood within the local context and may mean not only the "nuclear" family, but also the extended family or even broader communal definitions including grandparents, siblings, other relatives, guardians or care providers, neighbours, etc. Similarly, all references to "school" (or to "teachers") should be understood to include schools, teaching institutions, and other formal and non-formal learning environments.

2. The Committee recommends that an alternative vision of the school and the family that respects the rights and dignity of all, including children, parents and teachers, should guide all actions on the issue of violence against children. The main strategy should be to galvanize actions around this vision rather than use punitive measures. In this vision relations between and among children and parents or teachers (as well as other family members or students) are mutually respectful and the safety and security of all is promoted.

3. The Committee considers that violence against children is unacceptable under any circumstances, in accordance with the provisions of the Convention on the Rights of the Child. However, the actions to stop violence against children need to take adequate account of different social and cultural contexts and should be devised by fully engaged local actors. National strategies should take fully into account the local context and actors.

4. In conceptualizing violence, the Committee recommends that the critical starting point and frame of reference be the experience of children themselves. Therefore, children and young people must be meaningfully involved in promoting and strategizing action on violence against children.

5. The Committee recommends that efforts be made to strengthen the link between communities and families and between communities and schools. Community members, including parents, children and teachers, need to be well informed about their rights and fully involved in the life of the school, including in school governance.

6. The Committee recognizes that different forms of violence against children (such as corporal punishment, bullying, sexual harassment and abuse, and verbal and emotional abuse) are interlinked, and that violence in the family and school reinforce one another. Action against violence therefore must take a holistic approach and emphasize non-tolerance of all forms of violence. Physical violence and other more severe forms of violence are more likely where everyday harassment is tolerated. Tolerance of violence in one sphere makes it difficult to resist it in another.

At the international level

7. In accordance with the provisions of article 45 (c) of the Convention on the Rights of the Child, the Committee recommends that the Secretary-General be requested, through the General Assembly, to conduct an in-depth international study on violence against

children. The study should be as thorough and influential as the report of the expert appointed by the Secretary-General, Graça Machel, on the Impact of armed conflict on children (A/51/306 of 26 August 1996). Such a study should:

(a) Be guided by the Convention on the Rights of the Child and other relevant international standards and take full account of the recommendations adopted by the Committee at its days of general discussion in 2000 and 2001;

(b) Document the different types of violence of which children are victims, the prevalence of such violence and its impact on children, adults and societies. Areas of study should include violence within the family and the home, in schools and care or residential institutions, both State and private, in work situations and in the streets, in detention facilities and prisons, violence by police and the use of capital and physical punishment. Violence should include all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, including sexual abuse, bullying in schools and corporal punishment. Attention should be paid to the impact of discrimination (including discrimination based on gender, race, economic status, etc.) on the patterns of violence and vulnerability experienced by children;

(c) Seek to identify the causes of and factors contributing to violence against children, including factors - such as the role of legislation, public education and training of professionals - that contribute to or obstruct prevention, protection and recovery, and explore the links between various provisions of the Convention on the Rights of the Child and other international human rights treaties in relation to violence against children;

(d) Draw primarily on existing research and documentation, including reports to and of the Committee on the Rights of the Child, special rapporteurs and other United Nations and United Nations-related bodies, including UNESCO, UNICEF, the United Nations Development Fund for Women (UNIFEM), UNFPA and WHO, and studies conducted by academics, research institutions and non-governmental organizations. The study should collect information on various human rights mechanisms and United Nations bodies and agencies and the extent to which the problem of violence against children is addressed in their activities from a human rights perspective;

(e) Be conducted in collaboration with all United Nations agencies and bodies, particularly the Committee on the Rights of the Child, OHCHR and the United Nations human rights mechanisms, UNICEF, WHO and UNESCO, as well as with relevant non-governmental organizations, academic institutions and international professional organizations, and involve children themselves.

On this basis, and taking into account information on the effectiveness of existing approaches, the study should lead to the development of strategies aimed at effectively preventing and combating all forms of violence against children, outlining steps to be taken at the international level as well as by States to provide effective prevention, protection, intervention, treatment, recovery and reintegration.

8. The Committee recommends that account be taken of its general comment No. 1 on the aims of education (article 29.1 of the Convention), which states that corporal punishment is not compatible with the provisions of the Convention and emphasizes the impact of violence in schools on the denial of the child's right to an education directed to the development of the child's personality, talents and mental and physical abilities to their fullest potential; to the development of respect for human rights and the values enshrined in the Convention; and to preparation for a responsible life in a free society.

9. The Committee reaffirms its call upon all States, concerned United Nations agencies and bodies and non-governmental organizations to give priority attention to violence against children at the General Assembly special session on children, and to include in its resulting plan of action steps to reduce and eliminate such violence.

10. The Committee urges United Nations bodies and agencies to adopt a more integrated and multisectoral approach to the prevention of violence against children, including through public health and epidemiological approaches, and taking into consideration poverty and socio-economic marginalization and the impact of multiple forms of discrimination.

11. The Committee recommends that efforts be made by United Nations human rights mechanisms with a mandate to consider individual complaints concerning violations of human rights to identify ways to respond more effectively to individual complaints concerning violence against children, including violence within the family and in schools. It encourages non-governmental organizations to disseminate information about the existence and functioning of relevant mechanisms (including those under the Optional Protocol to the International Covenant on Civil and Political Rights, under article 22 of the Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment and under the new Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women). Information should also be disseminated about other United Nations and regional human rights mechanisms, particularly the Committee on Economic, Social and Cultural Rights, the Special Rapporteurs on violence against women, on the sale of children, child prostitution and child pornography, on the right to education and on traditional practices affecting the health of women and girls. The Committee also encourages non-governmental organizations and others to consider the best ways in which they can provide legal and other assistance in bringing individual complaints related to violations of the right of children to be protected against torture and other forms of violence before the relevant United Nations and regional human rights mechanisms.

12. The Committee recommends that effective measures be sought to strengthen existing United Nations human rights mechanisms in order to ensure that all forms of violence against children, including within the family and in schools, is adequately addressed. The Committee encourages the Office of the High Commissioner for Human Rights to organize a workshop for all relevant treaty bodies and special procedures, involving United Nations bodies and agencies, regional human rights mechanisms and relevant non-governmental organizations, to examine:

(a) Violence against children;

(b) The effectiveness of existing United Nations mechanisms in addressing this phenomenon, and the need for other competent United Nations human rights bodies to include the matter of violence against children in their consideration of States parties' reports;

(c) The need for and possible ways to improve such effectiveness, including consideration of the need to take into account more adequately the special characteristics of children;

(d) The possible need for either an optional protocol to the Convention to establish a procedure for individual complaints, or the establishment of a new special procedure of the Commission on Human Rights; and

(e) The consideration that could be given to providing, from within existing United Nations voluntary funds, assistance for the recovery of child victims of violence.

13. The Committee recognizes that grass-roots initiatives for child rights and the Global Movement for Children present an important opportunity to advance action on violence against children. The Committee appreciates the involvement of children and young people in such initiatives and urges their increased use as forums for their voices. In this context, the Committee encourages States parties, NGOs and others to share their experiences on effective means of preventing violence against children.

Review of domestic legislation

14. The Committee urges States parties to review all reservations to relevant articles of the Convention on the Rights of the Child, with a view to their withdrawal.

15. The Committee urges States parties, as a matter of urgency, to enact or repeal their legislation as necessary in order to prohibit all forms of violence, however slight, within the family and in schools, including as a form of discipline, as required by the provisions of the Convention and in particular articles 19, 28 and 37 (a) and taking into account articles 2, 3, 6 and 12, as well as articles 4, 5, 9, 18, 24, 27, 29 and 39.

16. The Committee recommends that such legislation incorporate provisions for appropriate sanctions for violations and compensation for victims.

17. The Committee urges States parties to review all relevant child protection legislation to ensure that while effective protection is guaranteed, intervention is adequately tailored to individual contexts and circumstances, favours the least intrusive method, and adopts a positive approach that seeks to protect the child from additional harm. The Committee recommends that States parties review legislation dealing with children deprived of a family environment to ensure that all placement decisions are subject to periodic judicial review, including at the request of children themselves, and have family reunification as the preferred outcome, within the requirements of articles 3, 9, 19 and 39 of the Convention.

18. The Committee recommends careful monitoring of the effective implementation of such legislation, including through the provision of education, training and resources.

Prevention: awareness-raising, sensitization and training

19. The Committee recommends that States parties adopt clear national policy statements on violence against children within the family and in schools, to be used as an advocacy tool and disseminated throughout the country.

20. The Committee recommends that every State party undertake a comprehensive study on the extent, nature, causes and consequences of violence against children. This study should be widely disseminated and used to formulate policy and programmes.

21. The Committee encourages States parties, NGOs, United Nations human rights mechanisms, United Nations agencies and other bodies to give priority to promoting a more positive approach to acknowledging children as bearers of human rights and to raising awareness about and bringing about change in cultural attitudes towards protecting children from violence and the availability of more constructive and effective methods of discipline. Such an approach should include the following:

(a) Public information campaigns should be launched, involving religious, traditional and community leaders, to raise awareness and sensitize the public about the severity of human rights violations and the harm to children in this domain, and to address cultural acceptance of violence against children, promoting instead the unacceptability of all forms of violence against children;

(b) Children and parents should be meaningfully involved in all aspects of the design and implementation of awareness-raising campaigns, including through peer education efforts;

(c) The media should be encouraged to play an active role in educating the public and raising awareness. Reporting should call attention to the violations and reflect children's views and experiences of violence, while avoiding sensationalism and ensuring respect for the right to privacy of child victims. The media and entertainment industry should also avoid disseminating positive images of any form of violence;

(d) States parties should translate appropriate information on protection of children from violence into its national and local languages and ensure that it is disseminated, through all appropriate channels and involving grass-roots groups, to all relevant professional and other reporting groups, children, parents, and the general public.

22. The Committee recommends that the professional status, rewards and career incentives for social workers, health professionals and individuals working with children should be such as to be able to request appropriate qualifications and screening for a background of violence. The Committee also recommends that minimum standards be set for the professional qualification and training of individuals working in the school system, and that teachers' unions be involved in the development of codes of conduct and good practices for discipline without violence. The professional status, rewards and career incentives for teachers should be such as to ensure that appropriate qualifications can be requested, and States parties should make every effort in recruiting staff to work as teachers and school administrators, to give due attention to ensuring that staff have the capacity to make effective use of non-violent methods of discipline.

23. The Committee recommends that States parties, in partnership with relevant NGOs and seeking international technical assistance where appropriate, ensure that all relevant professional groups, including, but not limited to, teachers and school administrators, social workers, health professionals, lawyers, the judiciary, members of police and other security forces, receive training in child rights. Such training should follow interdisciplinary methods promoting collaborative approaches, include relevant human rights standards and non-violent relationships and methods of discipline, and provide information on child development and on the background, rights and needs of specially vulnerable groups of children, including children with disabilities.

24. The Committee recommends that information about rights and protection from violence be available to children and included in school curricula and that children be meaningfully involved in the design of strategies and solutions to reduce and eliminate violence within the family and in the school setting, such as the adoption of anti-bullying and anti-violence policies in schools.

Other prevention and protection strategies

25. The Committee points out that in order to maximize protection against violence committed against children who are particularly vulnerable owing to disability, and in accordance with the provisions of article 23 of the Convention, special care for children with disabilities, as well as access to education, training, health-care and recovery services, preparation for employment and recreation opportunities should be provided in a manner "conducive to the child's achieving the fullest possible social integration and individual development".

26. The Committee recommends that particular attention be given to the different patterns of family abuse and vulnerability and to the effective measures that can be adopted for different age groups. Within the family, gender discrimination can produce different patterns of vulnerability. While both boys and girls are subject to physical and sexual violence, boys can be particularly exposed to physical violence and girls to sexual violence which must be taken into account in planning prevention and responses. The need to prevent racial and related forms of discrimination, as well as discrimination based on socio-economic marginalization, must also be taken into account in planning for and providing support to families, and in investigating or intervening in cases of violence or on the basis of an assessed risk of violence occurring.

27. The Committee recommends that appropriate attention also be given to issues of discrimination in preventing and responding to violence against children in schools. Gender discrimination can result in different patterns of risk and abuse suffered by boys and girls. Boys may be more often exposed to corporal punishment as a form of discipline and less effectively protected from violence and bullying by other students, as well as from involvement in violence. While both boys and girls are subject to sexual abuse, girls may be more often exposed to sexual violence by teachers and other students; this can also result in a denial of their right to education when fear of such risk leads to avoidance of schools. Racial discrimination and xenophobia, socio-economic factors, sexual orientation, and physical size or strength can be factors that expose children to a higher risk of victimization.

28. The Committee recommends that efforts be made to implement fully the provisions of articles 18.2, 19.2, 24 and 27 of the Convention by providing appropriate assistance to parents and legal guardians in their child-rearing responsibilities. This includes addressing all forms of family violence, as well as ensuring that everyone has access to quality pre-natal, perinatal and early childhood health services to improve early attachment. The Committee encourages the development and implementation of home visitation programmes, noting that they can be effective in reducing the need for intervention.

29. The Committee recommends that States parties consider introducing schemes designed to identify children at risk of family violence and provide appropriate services to reduce those risks, paying due attention to the provisions of articles 12 and 16 of the Convention.

30. The Committee recommends that particular attention be given to the recovery of child victims of violence, which is important in preventing the risk of renewed abuse.

31. The Committee recommends that due attention be given to the need to broaden involvement and participation in decision-making processes in schools. Involvement of parents and students in governing processes, for example through student councils and representative membership on school boards, including in drawing up the rules and monitoring of discipline, can contribute to the design of effective prevention strategies and to the creation of a positive climate in schools that discourages violence, both as a form of so-called discipline and among students.

32. Effective strategies to prevent violence in schools must also address the problems created by the availability or tolerance of weapons and of substance abuse in the school environment.

Monitoring and complaint mechanisms

33. The Committee recommends that urgent attention be given to establishing effective systems to monitor the treatment of children and to report and investigate cases of suspected ill-treatment, including within the family and in schools. Such systems should:

(a) Provide for appropriate training for professionals working with children - primarily teachers and health professionals - to increase their ability to detect symptoms and assess the possibility of ill-treatment;

(b) Encourage schools and health services to detect and report evidence of violence against children, and to provide appropriate treatment for victims and perpetrators;

(c) Ensure full access to facilities and records and inspection of all schools and other institutions, permit unannounced visits, and include the holding of private consultations with children and staff;

(d) Monitor children's views and perceptions of their experience, rather than focus only on the material circumstances of families, or on the state of the facilities and the provision of services by institutions;

(e) Ensure that complaints, under a mandatory reporting procedure or otherwise, of incidents of violence received from health and other professionals, teachers, schools, children themselves, their parents and legal guardians, and NGOs or other institutions of civil society, receive a coordinated and multidisciplinary response that may or may not involve law enforcement at an initial stage;

(f) Be fully connected to a response system with the resources to provide support and assistance if necessary, rather than only intervention or punishment;

(g) Protect reporting professionals, and all others reporting or initiating complaints, from reprisals or liability, including for cases of reasonable mistakes in the assessment of risk or abuse;

(h) Monitor the follow-up given to reports and provide sufficient resources to ensure that case loads and time lags are not excessive and that the investigation of reports of suspected cases of abuse is sufficient to enable the risks to be accurately assessed;

(i) Ensure that independent external complaints mechanisms and procedures to receive reports of violence against children are established and functioning and provide full guarantees of independent and thorough investigation of any child deaths as well as of any complaints, including judicial investigation for any cases of harm;

(j) Ensure that the perpetrators of violence are appropriately held accountable, including, when warranted, suspension or dismissal and the bringing of criminal charges, and that persons convicted of violent offences against children are prevented from working in institutions that serve children;

(k) Where perpetrators are children, ensure that procedures are in accordance with international standards of juvenile justice;

(l) Ensure that children receive legal advice and assistance and the wide dissemination of information about the rules and protection available so that children are aware of the existence and functioning of complaint mechanisms, including for child-initiated complaints;

(m) Ensure that children are involved in the design of appropriate child-sensitive mechanisms (covering also legal proceedings and court procedures) that take their special needs into account, for example by avoiding the need for students to repeat their statements unless absolutely necessary, or by taking into account the needs of children with disabilities, different linguistic abilities, etc;

(n) Ensure that reports of any investigations are made public (while maintaining the right of the child victims to privacy), and made known to relevant government officials and policy makers.

34. The Committee urges States parties to ensure the collection of accurate, up-to-date and disaggregated data on the incidence, severity and causes of violence within the family and in schools, including on children's views and experiences, as well as on the effectiveness of existing programmes and approaches.

35. The Committee urges States parties to ensure the inclusion of detailed information on violence against children within the family and in schools in their reports on the implementation of the Convention on the Rights of the Child, including on measures taken to reduce and eliminate violence within the family and in schools.

36. The Committee encourages the conduct of research aimed at revealing the hidden socio-economic costs of violence against children, for example the cost involved in providing psychiatric care for child victims in later life, as well as to better evaluate the effectiveness of existing prevention, protection and recovery programmes.

Coordination and resources

37. The Committee emphasizes the need for the preparation of integrated multisectoral strategies and plans of action at the international, regional, national and local levels, to ensure that efforts for the prevention of violence within the family and the care for child victims are fully coordinated and multidisciplinary, address the root causes of violence (including socio-economic factors, discrimination and others), and involve children in the design of effective prevention and response strategies.

38. The Committee emphasizes the need for the preparation of comprehensive strategies and plans of action at the national level, to ensure that efforts for the prevention of violence in schools are fully coordinated and multidisciplinary, address the root causes of violence (including discrimination), and involve children in the design of effective prevention and response strategies. The Committee recognizes that it is extremely difficult to manage schools without resorting to violent means of discipline where schools are overcrowded and lack basic materials, and where teachers are under-motivated and poorly compensated. The Committee strongly reaffirms the right of every child, in accordance with articles 28 and 29 of the Convention, to a quality education and reminds States parties and international development partners of their obligation to provide adequate resources to fulfil this right.

39. The Committee urges that attention be given to the need to ensure that adequate resources are allocated to the prevention and detection of violence within the family and in schools and to the protection and recovery of child victims. The Committee reminds States parties that under the provisions of article 4 of the Convention, only "economic, social and cultural rights" are subject to implementation to the "maximum extent of available resources" while States parties "shall undertake all appropriate legislative, administrative and other measures" for the implementation of all other rights, including the right of children to be protected from all forms of violence and abuse (art. 19).

40. The Committee encourages States parties, United Nations bodies and agencies, and donors of international technical assistance to allocate resources to programmes and measures designed to improve prevention of violence within the family and in schools,

protection of children and other family members and recovery of victims, including by increasing the resources provided to families and education professionals. It urges States parties and others to ensure that available resources are used in the manner most conducive to protecting children from all sorts of violence and preventing it. The Committee calls attention to the need to consider the allocation of resources as part of the effort to review the relevant legislation.

Role of civil society

41. The Committee encourages non-governmental and other organizations of civil society to devote increased attention to the prevention of, and protection of children from, violence within the family and in schools. It urges NGOs to consider providing legal and other assistance to children and their advocates, monitoring implementation of legislation, and assisting governments to formulate appropriate and least-intrusive prevention, protection and recovery measures, in addition to monitoring the situation of children in vulnerable circumstances. NGOs should seek to promote the care of children within their families as far as possible and favour prevention and early intervention.

42. The Committee encourages NGOs to support States parties and children in ensuring that children's views and experiences, as well as their proposals on preventing violence within the family and in schools, are heard and taken into account in public debate and policy, as well as in the formulation of their own programmes.

43. The Committee points out that the State, by delegating NGOs to provide services and care to children, cannot avoid its own obligations both to provide the necessary resources and to exercise appropriate supervision.

44. In accordance with the provisions of article 45 (a) of the Convention, the Committee encourages NGOs to prepare and present to it within the reporting process information regarding all forms of violence against children within the family and in schools, including those considered culturally "acceptable", for example by developing and maintaining an easily accessible database summarizing each State party's commitment to and compliance with its violence-prevention human rights obligations.

45. The Committee encourages States parties and intergovernmental and non-governmental organizations to involve national human rights institutions, as well as professional groups and trade unions, in the design and implementation of strategies relating to the prevention of, and protection of children against, violence and the recovery of child victims of violence, and to keep those groups informed about all such strategies.

Notes

[1] See the reporting guidelines (HRI/GEN/2/Rev.1, chap. VII).

[2] See Official Records of the General Assembly, Forty-seventh Session, Supplement No. 41 (A/47/41) and the guidelines for initial reports, ibid., sect. A.

Annex I

STATES WHICH HAVE RATIFIED OR ACCEDED TO THE CONVENTION ON THE RIGHTS OF THE CHILD AS AT 1 FEBRUARY 2002 (191)

States	Date of signature	Date of receipt of instrument of ratification/ accession[a]	Date of entry into force
Afghanistan	27 September 1990	28 March 1994	27 April 1994
Albania	26 January 1990	27 February 1992	28 March 1992
Algeria	26 January 1990	16 April 1993	16 May 1993
Andorra	2 October 1995	2 January 1996	1 February 1996
Angola	14 February 1990	5 December 1990	4 January 1991
Antigua and Barbuda	12 March 1991	5 October 1993	4 November 1993
Argentina	29 June 1990	4 December 1990	3 January 1991
Armenia		23 June 1993[a]	22 July 1993
Australia	22 August 1990	17 December 1990	16 January 1991
Austria	26 January 1990	6 August 1992	5 September 1992
Azerbaijan		13 August 1992[a]	12 September 1992
Bahamas	30 October 1990	20 February 1991	22 March 1991
Bahrain		13 February 1992[a]	14 March 1992
Bangladesh	26 January 1990	3 August 1990	2 September 1990
Barbados	19 April 1990	9 October 1990	8 November 1990
Belarus	26 January 1990	1 October 1990	31 October 1990
Belgium	26 January 1990	16 December 1991	15 January 1992
Belize	2 March 1990	2 May 1990	2 September 1990
Benin	25 April 1990	3 August 1990	2 September 1990
Bhutan	4 June 1990	1 August 1990	2 September 1990
Bolivia	8 March 1990	26 June 1990	2 September 1990
Bosnia and Herzegovina[b]			6 March 1992
Botswana		14 March 1995[a]	13 April 1995
Brazil	26 January 1990	24 September 1990	24 October 1990
Brunei Darussalam		27 December 1995[a]	26 January 1996

States	Date of signature	Date of receipt of instrument of ratification/accession[a]	Date of entry into force
Bulgaria	31 May 1990	3 June 1991	3 July 1991
Burkina Faso	26 January 1990	31 August 1990	30 September 1990
Burundi	8 May 1990	19 October 1990	18 November 1990
Cambodia	22 September 1992	15 October 1992	14 November 1992
Cameroon	25 September 1990	11 January 1993	10 February 1993
Canada	28 May 1990	13 December 1991	12 January 1992
Cape Verde		4 June 1992[a]	4 July 1992
Central African Republic	30 July 1990	23 April 1992	23 May 1992
Chad	30 September 1990	2 October 1990	1 November 1990
Chile	26 January 1990	13 August 1990	12 September 1990
China	29 August 1990	2 March 1992	1 April 1992
Colombia	26 January 1990	28 January 1991	27 February 1991
Comoros	30 September 1990	22 June 1993	21 July 1993
Congo		14 October 1993[a]	13 November 1993
Cook Islands		6 June 1997[a]	6 July 1997
Costa Rica	26 January 1990	21 August 1990	20 September 1990
Côte d'Ivoire	26 January 1990	4 February 1991	6 March 1991
Croatia[b]			8 October 1991
Cuba	26 January 1990	21 August 1991	20 September 1991
Cyprus	5 October 1990	7 February 1991	9 March 1991
Czech Republic[b]			1 January 1993
Democratic People's Republic of Korea	23 August 1990	21 September 1990	21 October 1990
Democratic Republic of Congo	20 March 1990	27 September 1990	27 October 1990
Denmark	26 January 1990	19 July 1991	18 August 1991
Djibouti	30 September 1990	6 December 1990	5 January 1991
Dominica	26 January 1990	13 March 1991	12 April 1991
Dominican Republic	8 August 1990	11 June 1991	11 July 1991
Ecuador	26 January 1990	23 March 1990	2 September 1990
Egypt	5 February 1990	6 July 1990	2 September 1990
El Salvador	26 January 1990	10 July 1990	2 September 1990

States	Date of signature	Date of receipt of instrument of ratification/ accession[a]	Date of entry into force
Equatorial Guinea		15 June 1992[a]	15 July 1992
Eritrea	20 December 1993	3 August 1994	2 September 1994
Estonia		21 October 1991[a]	20 November 1991
Ethiopia		14 May 1991[a]	13 June 1991
Fiji	2 July 1993	13 August 1993	12 September 1993
Finland	26 January 1990	20 June 1991	20 July 1991
France	26 January 1990	7 August 1990	6 September 1990
Gabon	26 January 1990	9 February 1994	11 March 1994
Gambia	5 February 1990	8 August 1990	7 September 1990
Georgia		2 June 1994[a]	2 July 1994
Germany	26 January 1990	6 March 1992	5 April 1992
Ghana	29 January 1990	5 February 1990	2 September 1990
Greece	26 January 1990	11 May 1993	10 June 1993
Grenada	21 February 1990	5 November 1990	5 December 1990
Guatemala	26 January 1990	6 June 1990	2 September 1990
Guinea		13 July 1990[a]	2 September 1990
Guinea-Bissau	26 January 1990	20 August 1990	19 September 1990
Guyana	30 September 1990	14 January 1991	13 February 1991
Haiti	20 January 1990	8 June 1995	8 July 1995
Holy See	20 April 1990	20 April 1990	2 September 1990
Honduras	31 May 1990	10 August 1990	9 September 1990
Hungary	14 March 1990	7 October 1991	6 November 1991
Iceland	26 January 1990	28 October 1992	27 November 1992
India		11 December 1992[a]	11 January 1993
Indonesia	26 January 1990	5 September 1990	5 October 1990
Iran (Islamic Republic of)	5 September 1991	13 July 1994	12 August 1994
Iraq		15 June 1994[a]	15 July 1994
Ireland	30 September 1990	28 September 1992	28 October 1992
Israel	3 July 1990	3 October 1991	2 November 1991
Italy	26 January 1990	5 September 1991	5 October 1991
Jamaica	26 January 1990	14 May 1991	13 June 1991
Japan	21 September 1990	22 April 1994	22 May 1994
Jordan	29 August 1990	24 May 1991	23 June 1991
Kazakhstan	16 February 1994	12 August 1994	11 September 1994
Kenya	26 January 1990	30 July 1990	2 September 1990

States	Date of signature	Date of receipt of instrument of ratification/ accession[a]	Date of entry into force
Kiribati		11 December 1995[a]	10 January 1996
Kuwait	7 June 1990	21 October 1991	20 November 1991
Kyrgyzstan		7 October 1994	6 November 1994
Lao People's Democratic Republic		8 May 1991[a]	7 June 1991
Latvia		14 April 1992[a]	14 May 1992
Lebanon	26 January 1990	14 May 1991	13 June 1991
Lesotho	21 August 1990	10 March 1992	9 April 1992
Liberia	26 April 1990	4 June 1993	4 July 1993
Libyan Arab Jamahiriya		15 April 1993[a]	15 May 1993
Liechtenstein	30 September 1990	22 December 1995	21 January 1996
Lithuania		31 January 1992[a]	1 March 1992
Luxembourg	21 March 1990	7 March 1994	6 April 1994
Madagascar	19 April 1990	19 March 1991	18 April 1991
Malawi		2 January 1991[a]	1 February 1991
Malaysia		17 February 1995[a]	19 March 1995
Maldives	21 August 1990	11 February 1991	13 March 1991
Mali	26 January 1990	20 September 1990	20 October 1990
Malta	26 January 1990	30 September 1990	30 October 1990
Marshall Islands	14 April 1993	4 October 1993	3 November 1993
Mauritania	26 January 1990	16 May 1991	15 June 1991
Mauritius		26 July 1990[a]	2 September 1990
Mexico	26 January 1990	21 September 1990	21 October 1990
Micronesia (Federated States of)		5 May 1993[a]	4 June 1993
Monaco		21 June 1993[a]	21 July 1993
Mongolia	26 January 1990	5 July 1990	2 September 1990
Morocco	26 January 1990	21 June 1993	21 July 1993
Mozambique	30 September 1990	26 April 1994	26 May 1994
Myanmar		15 July 1991[a]	14 August 1991
Namibia	26 September 1990	30 September 1990	30 October 1990
Nauru		27 July 1994[a]	26 August 1994

States	Date of signature	Date of receipt of instrument of ratification/accession[a]	Date of entry into force
Nepal	26 January 1990	14 September 1990	14 October 1990
Netherlands	26 January 1990	6 February 1995	7 March 1995
New Zealand	1 October 1990	6 April 1993	6 May 1993
Nicaragua	6 February 1990	5 October 1990	4 November 1990
Niger	26 January 1990	30 September 1990	30 October 1990
Nigeria	26 January 1990	19 April 1991	19 May 1991
Niue		20 December 1995[a]	19 January 1996
Norway	26 January 1990	8 January 1991	7 February 1991
Oman		9 December 1996[a]	8 January 1997
Pakistan	20 September 1990	12 November 1990	12 December 1990
Palau		4 August 1995[a]	3 September 1995
Panama	26 January 1990	12 December 1990	11 January 1991
Papua New Guinea	30 September 1990	1 March 1993	31 March 1993
Paraguay	4 April 1990	25 September 1990	25 October 1990
Peru	26 January 1990	4 September 1990	4 October 1990
Philippines	26 January 1990	21 August 1990	20 September 1990
Poland	26 January 1990	7 June 1991	7 July 1991
Portugal	26 January 1990	21 September 1990	21 October 1990
Qatar	8 December 1992	3 April 1995	3 May 1995
Republic of Korea	25 September 1990	20 November 1991	20 December 1991
Republic of Moldova		26 January 1993[a]	25 February 1993
Romania	26 January 1990	28 September 1990	28 October 1990
Russian Federation	26 January 1990	16 August 1990	15 September 1990
Rwanda	26 January 1990	24 January 1991	23 February 1991
Saint Kitts and Nevis	26 January 1990	24 July 1990	2 September 1990
Saint Lucia		16 June 1993[a]	16 July 1993
Saint Vincent and the Grenadines	20 September 1993	26 October 1993	25 November 1993
Samoa	30 September 1990	29 November 1994	29 December 1994
San Marino		25 November 1991[a]	25 December 1991
Sao Tome and Principe		14 May 1991[a]	13 June 1991

States	Date of signature	Date of receipt of instrument of ratification/accession[a]	Date of entry into force
Saudi Arabia		26 January 1996[a]	25 February 1996
Senegal	26 January 1990	31 July 1990	2 September 1990
Seychelles		7 September 1990[a]	7 October 1990
Sierra Leone	13 February 1990	18 June 1990	2 September 1990
Singapore		5 October 1995[a]	4 November 1995
Slovakia[b]			1 January 1993
Slovenia[b]			25 June 1991
Solomon Islands		10 April 1995[a]	10 May 1995
South Africa	29 January 1993	16 June 1995	16 July 1995
Spain	26 January 1990	6 December 1990	5 January 1991
Sri Lanka	26 January 1990	12 July 1991	11 August 1991
Sudan	24 July 1990	3 August 1990	2 September 1990
Suriname	26 January 1990	1 March 1993	31 March 1993
Swaziland	22 August 1990	7 September 1995	6 October 1995
Sweden	26 January 1990	29 June 1990	2 September 1990
Switzerland	1 May 1991	24 February 1997	26 March 1997
Syrian Arab Republic	18 September 1990	15 July 1993	14 August 1993
Tajikistan		26 October 1993[a]	25 November 1993
Thailand		27 March 1992[a]	26 April 1992
The former Yugoslav Republic of Macedonia[b]			17 September 1991
Togo	26 January 1990	1 August 1990	2 September 1990
Tonga		6 November 1995[a]	6 December 1995
Trinidad and Tobago	30 September 1990	5 December 1991	4 January 1992
Tunisia	26 February 1990	30 January 1992	29 February 1992
Turkey	14 September 1990	4 April 1995	4 May 1995
Turkmenistan		20 September 1993[a]	19 October 1993
Tuvalu		22 September 1995[a]	22 October 1995
Uganda	17 August 1990	17 August 1990	16 September 1990
Ukraine	21 February 1991	28 August 1991	27 September 1991
United Arab Emirates		3 January 1997[a]	2 February 1997

States	Date of signature	Date of receipt of instrument of ratification/accession[a]	Date of entry into force
United Kingdom of Great Britain and Northern Ireland	19 April 1990	16 December 1991	15 January 1992
United Republic of Tanzania	1 June 1990	10 June 1991	10 July 1991
Uruguay	26 January 1990	20 November 1990	20 December 1990
Uzbekistan		29 June 1994[a]	29 July 1994
Vanuatu	30 September 1990	7 July 1993	6 August 1993
Venezuela	26 January 1990	13 September 1990	13 October 1990
Viet Nam	26 January 1990	28 February 1990	2 September 1990
Yemen	13 February 1990	1 May 1991	31 May 1991
Yugoslavia [c]			12 March 2001[b]
Zambia	30 September 1990	5 December 1991	5 January 1992
Zimbabwe	8 March 1990	11 September 1990	11 October 1990

Notes

[a] Accession.

[b] Succession.

[c] The former Yugoslavia had signed and ratified the Convention on 26 January 1990 and 3 January 1991, respectively. On 12 March 2001 Yugoslavia succeeded to the obligations under the treaty of the former Yugoslavia.

Annex II

STATES WHICH HAVE SIGNED (94), OR RATIFIED OR ACCEDED (13) TO THE OPTIONAL PROTOCOL TO THE CONVENTION ON THE RIGHTS OF THE CHILD ON THE INVOLVEMENT OF CHILDREN IN ARMED CONFLICT,* AS AT 1 FEBRUARY 2002

State	Date of signature	Date of receipt of instrument of ratification/accession
Andorra	7 September 2000	30 April 2001
Argentina	15 June 2000	
Austria	6 September 2000	
Azerbaijan	8 September 2000	
Bangladesh	6 September 2000	6 September 2000
Belgium	6 September 2000	
Belize	6 September 2000	
Benin	22 February 2001	
Bosnia and Herzegovina	7 September 2000	
Brazil	6 September 2000	
Bulgaria	8 June 2001	
Burkina Faso	16 November 2001	
Burundi	13 November 2001	
Cambodia	27 June 2000	
Cameroon	5 October 2001	
Canada	5 June 2000	7 July 2000
Chile	15 November 2001	
China	15 March 2001	
Colombia	6 September 2000	
Costa Rica	7 September 2000	
Cuba	13 October 2000	
Czech Republic	6 September 2000	30 November 2001
Democratic Republic of the Congo	8 September 2000	11 November 2001
Denmark	7 September 2000	
Ecuador	6 September 2000	

---

* The Optional Protocol entered into force on 12 February 2002.

State	Date of signature	Date of receipt of instrument of ratification/accession
El Salvador	18 September 2000	
Finland	7 September 2000	
France	6 September 2000	
Gabon	8 September 2000	
Gambia	21 December 2000	
Germany	6 September 2000	
Greece	7 September 2000	
Guatemala	7 September 2000	
Guinea-Bissau	8 September 2000	
Holy See	10 October 2000	24 October 2001
Iceland	7 September 2000	1 October 2001
Indonesia	24 September 2001	
Ireland	7 September 2000	
Israel	14 November 2001	
Italy	6 September 2000	
Jamaica	8 September 2000	
Jordan	6 September 2000	
Kazakhstan	6 September 2000	
Kenya	8 September 2000	28 January 2002
Latvia	1 February 2002	
Lesotho	6 September 2000	
Liechtenstein	8 September 2000	
Luxembourg	8 September 2000	
Madagascar	7 September 2000	
Malawi	7 September 2000	
Mali	8 September 2000	
Malta	7 September 2000	
Mauritius	11 November 2001	
Mexico	7 September 2000	
Monaco	26 June 2000	13 November 2001
Mongolia	12 November 2001	
Morocco	8 September 2000	
Namibia	8 September 2000	
Nauru	8 September 2000	
Nepal	8 September 2000	

State	Date of signature	Date of receipt of instrument of ratification/accession
Netherlands	7 September 2000	
New Zealand	7 September 2000	12 November 2001
Nigeria	8 September 2000	
Norway	13 June 2000	
Pakistan	26 September 2001	
Panama	31 October 2000	8 August 2001
Paraguay	13 September 2000	
Peru	1 November 2000	
Philippines	8 September 2000	
Portugal	6 September 2000	
Republic of Korea	6 September 2000	
Romania	6 September 2000	10 November 2001
Russian Federation	15 February 2001	
San Marino	5 June 2000	
Senegal	8 September 2000	
Seychelles	23 January 2001	
Sierra Leone	8 September 2000	
Singapore	7 September 2000	
Slovakia	30 November 2001	
Slovenia	8 September 2000	
Spain	6 September 2000	
Sri Lanka	21 August 2000	8 September 2000
Sweden	8 June 2000	
Switzerland	7 September 2000	
The former Yugoslav Republic of Macedonia	17 July 2001	
Togo	15 November 2001	
Turkey	8 September 2000	
Ukraine	7 September 2000	
United Kingdom of Great Britain and Northern Ireland	7 September 2000	
United States of America	5 July 2000	
Uruguay	7 September 2000	
Venezuela	7 September 2000	
Viet Nam	8 September 2000	
Yugoslavia	8 October 2001	

Annex III

STATES WHICH HAVE SIGNED (94), OR RATIFIED OR ACCEDED (16) TO THE OPTIONAL PROTOCOL TO THE CONVENTION ON THE RIGHTS OF THE CHILD ON THE SALE OF CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY,* AS AT 1 FEBRUARY 2002

State	Date of signature	Date of receipt of instrument of ratification/accession
Andorra	7 September 2000	30 April 2001
Antigua and Barbuda	18 December 2001	
Australia	18 December 2001	
Austria	6 September 2000	
Azerbaijan	8 September 2000	
Bangladesh	6 September 2000	6 September 2000
Belarus		23 January 2002*
Belgium	6 September 2000	
Belize	6 September 2000	
Benin	22 February 2001	
Bolivia	10 November 2001	
Bosnia and Herzegovina	7 September 2000	
Brazil	6 September 2000	
Bulgaria	8 June 2001	
Burkina Faso	16 November 2001	
Cambodia	27 June 2000	
Cameroon	5 October 2001	
Canada	10 November 2001	
Chile	28 June 2000	
China	6 September 2000	
Colombia	6 September 2000	
Costa Rica	7 September 2000	
Cuba	13 October 2000	25 September 2001
Cyprus	8 February 2001	
Democratic Republic of the Congo		11 November 2001*

---

* The Optional Protocol entered into force on 18 January 2002.

State	Date of signature	Date of receipt of instrument of ratification/accession
Denmark	7 September 2000	
Ecuador	6 September 2000	
Finland	7 September 2000	
France	6 September 2000	
Gabon	8 September 2000	
Gambia	21 December 2000	
Germany	6 September 2000	
Greece	7 September 2000	
Guatemala	7 September 2000	
Guinea-Bissau	8 September 2000	
Holy See	10 October 2000	24 October 2001
Iceland	7 September 2000	9 July 2001
Indonesia	24 September 2001	
Ireland	7 September 2000	
Israel	14 November 2001	
Italy	6 September 2000	
Jamaica	8 September 2000	
Jordan	6 September 2000	
Kazakhstan	6 September 2000	24 August 2001
Kenya	8 September 2000	
Latvia	1 February 2002	
Lebanon	10 October 2001	
Lesotho	6 September 2000	
Liechtenstein	8 September 2000	
Luxembourg	8 September 2000	
Madagascar	7 September 2000	
Malawi	7 September 2000	
Malta	7 September 2000	
Mauritius	11 November 2001	
Mexico	7 September 2000	
Monaco	26 June 2000	
Mongolia	12 November 2001	
Morocco	8 September 2000	2 October 2001
Namibia	8 September 2000	
Nauru	8 September 2000	

State	Date of signature	Date of receipt of instrument of ratification/accession
Nepal	8 September 2000	
Netherlands	7 September 2000	
New Zealand	7 September 2000	
Nigeria	8 September 2000	
Norway	13 June 2000	2 October 2001
Pakistan	26 September 2001	
Panama	31 October 2000	9 February 2001
Paraguay	13 September 2000	
Peru	1 November 2000	
Philippines	8 September 2000	
Portugal	6 September 2000	
Qatar		14 December 2001[a]
Republic of Korea	6 September 2000	
Romania	6 September 2000	18 October 2001
San Marino	5 June 2000	
Senegal	8 September 2000	
Seychelles	23 January 2001	
Sierra Leone	8 September 2000	17 September 2001
Slovakia	30 November 2001	
Slovenia	8 September 2000	
Spain	6 September 2000	18 December 2001
Sweden	8 September 2000	
Switzerland	7 September 2000	
The former Yugoslav Republic of Macedonia	17 July 2001	
Togo	15 November 2001	
Turkey	8 September 2000	
Uganda		30 November 2001
Ukraine	7 September 2000	
United Kingdom of Great Britain and Northern Ireland	7 September 2000	
United States of America	5 July 2000	

State	Date of signature	Date of receipt of instrument of ratification/accession
Uruguay	7 September 2000	
Venezuela	7 September 2000	
Viet Nam	8 September 2000	
Yugoslavia	8 October 2001	

Note

[a] Accession.

Annex IV

MEMBERSHIP OF THE COMMITTEE ON THE RIGHTS OF THE CHILD

Name of member	Country of nationality
Mr. Ibrahim Abdul Aziz AL-SHEDDI**	Saudi Arabia
Ms. Ghalia Mohd Bin Hamad AL-THANI**	Qatar
Ms. Saisuree CHUTIKUL**	Thailand
Mr. Luigi CITARELLA**	Italy
Mr. Jacob Egbert DOEK*	Netherlands
Ms. Amina Hamza EL GUINDI*	Egypt
Ms. Judith KARP*	Israel
Ms. Awa N'Deye OUEDRAOGO*	Burkina Faso
Ms. Marilia SARDENBERG**	Brazil
Ms. Elisabeth TIGERSTEDT-TÄHTELÄ*	Finland

Notes

* Term expires on 28 February 2003.

** Term expires on 28 February 2005.

Annex V

STATUS OF SUBMISSION OF REPORTS BY STATES PARTIES UNDER ARTICLE 44 OF THE CONVENTION ON THE RIGHTS OF THE CHILD AS AT 1 FEBRUARY 2002

Initial reports due in 1992

State party	Date of entry into force	Date due	Date of submission	Symbol
Bangladesh	2 September 1990	1 September 1992	15 November 1995	CRC/C/3/Add.38 and Add.49
Barbados	8 November 1990	7 November 1992	12 September 1996	CRC/C/3/Add.45
Belarus	31 October 1990	30 October 1992	12 February 1993	CRC/C/3/Add.14
Belize	2 September 1990	1 September 1992	1 November 1996	CRC/C/3/Add.46
Benin	2 September 1990	1 September 1992	22 January 1997	CRC/C/3/Add.52
Bhutan	2 September 1990	1 September 1992	20 April 1999	CRC/C/3/Add.59
Bolivia	2 September 1990	1 September 1992	14 September 1992	CRC/C/3/Add.2
Brazil	24 October 1990	23 October 1992		
Burkina Faso	30 September 1990	29 September 1992	7 July 1993	CRC/C/3/Add.19
Burundi	18 November 1990	17 November 1992	19 March 1998	CRC/C/3/Add.58
Chad	1 November 1990	31 October 1992	14 January 1997	CRC/C/3/Add.50
Chile	12 September 1990	11 September 1992	22 June 1993	CRC/C/3/Add.18
Costa Rica	20 September 1990	20 September 1992	28 October 1992	CRC/C/3/Add.8
Democratic People's Republic of Korea	21 October 1990	20 October 1992	13 February 1996	CRC/C/3/Add.41
Democratic Republic of the Congo	27 October 1990	26 October 1992	16 February 1998	CRC/C/3/Add.57

Initial reports due in 1992 (continued)

State party	Date of entry into force	Date due	Date of submission	Symbol
Ecuador	2 September 1990	1 September 1992	11 June 1996	CRC/C/3/Add.44
Egypt	2 September 1990	1 September 1992	23 October 1992	CRC/C/3/Add.6
El Salvador	2 September 1990	1 September 1992	3 November 1992	CRC/C/3/Add.9 and Add.28
France	6 September 1990	5 September 1992	8 April 1993	CRC/C/3/Add.15
Gambia	7 September 1990	6 September 1992	20 November 1999	CRC/C/3/Add.61
Ghana	2 September 1990	1 September 1992	20 November 1995	CRC/C/3/Add.39
Grenada	5 December 1990	4 December 1992	24 September 1997	CRC/C/3/Add.55
Guatemala	2 September 1990	1 September 1992	5 January 1995	CRC/C/3/Add.33
Guinea	2 September 1990	1 September 1992	20 November 1996	CRC/C/3/Add.48
Guinea-Bissau	19 September 1990	18 September 1992	6 September 2000	CRC/C/3/Add.63
Holy See	2 September 1990	1 September 1992	2 March 1994	CRC/C/3/Add.27
Honduras	9 September 1990	8 September 1992	11 May 1993	CRC/C/3/Add.17
Indonesia	5 October 1990	4 October 1992	17 November 1992	CRC/C/3/Add.10 and Add.26
Kenya	2 September 1990	1 September 1992	13 January 2000	CRC/C/3/Add.62
Mali	20 October 1990	19 October 1992	2 April 1997	CRC/C/3/Add.53
Malta	30 October 1990	29 October 1992	26 December 1997	CRC/C/3/Add.56
Mauritius	2 September 1990	1 September 1992	25 July 1995	CRC/C/3/Add.36
Mexico	21 October 1990	20 October 1992	15 December 1992	CRC/C/3/Add.11
Mongolia	2 September 1990	1 September 1992	20 October 1994	CRC/C/3/Add.32
Namibia	30 October 1990	29 October 1992	21 December 1992	CRC/C/3/Add.12

Initial reports due in 1992 (continued)

State party	Date of entry into force	Date due	Date of submission	Symbol
Nepal	14 October 1990	13 October 1992	10 April 1995	CRC/C/3/Add.34
Nicaragua	4 November 1990	3 November 1992	12 January 1994	CRC/C/3/Add.25
Niger	30 October 1990	29 October 1992	28 December 2000	CRC/C/3/Add.29/Rev.1
Pakistan	12 December 1990	11 December 1992	25 January 1993	CRC/C/3/Add.13
Paraguay	25 October 1990	24 October 1992	30 August 1993 and 13 November 1996	CRC/C/3/Add.22 and Add.47
Peru	4 October 1990	3 October 1992	28 October 1992	CRC/C/3/Add.7 and Add.24
Philippines	20 September 1990	19 September 1992	21 September 1993	CRC/C/3/Add.23
Portugal	21 October 1990	20 October 1992	17 August 1994	CRC/C/3/Add.30
Romania	28 October 1990	27 October 1992	14 April 1993	CRC/C/3/Add.16
Russian Federation	15 September 1990	14 September 1992	16 October 1992	CRC/C/3/Add.5
Saint Kitts and Nevis	2 September 1990	1 September 1992	21 January 1997	CRC/C/3/Add.51
Senegal	2 September 1990	1 September 1992	12 September 1994	CRC/C/3/Add.31
Seychelles	7 October 1990	6 October 1992	7 February 2001	CRC/C/3/Add.64
Sierra Leone	2 September 1990	1 September 1992	10 April 1996	CRC/C/3/Add.43
Sudan	2 September 1990	1 September 1992	29 September 1992	CRC/C/3/Add.3 and Add.20
Sweden	2 September 1990	1 September 1992	7 September 1992	CRC/C/3/Add.1
Togo	2 September 1990	1 September 1992	27 February 1996	CRC/C/3/Add.42
Uganda	16 September 1990	15 September 1992	1 February 1996	CRC/C/3/Add.40
Uruguay	20 December 1990	19 December 1992	2 August 1995	CRC/C/3/Add.37
Venezuela	13 October 1990	12 October 1992	9 July 1997	CRC/C/3/Add.54

Initial reports due in 1992 (continued)

State party	Date of entry into force	Date due	Date of submission	Symbol
Viet Nam	2 September 1990	1 September 1992	30 September 1992	CRC/C/3/Add.4 and Add.21
Zimbabwe	11 October 1990	10 October 1992	23 May 1995	CRC/C/3/Add.35

Initial reports due in 1993

State party	Date of entry into force	Date due	Date of submission	Symbol
Angola	4 January 1991	3 January 1993		
Argentina	3 January 1991	2 January 1993	17 March 1993	CRC/C/8/Add.2 and Add.17
Australia	16 January 1991	15 January 1993	8 January 1996	CRC/C/8/Add.31
Bahamas	22 March 1991	21 March 1993		
Bulgaria	3 July 1991	2 July 1993	29 September 1995	CRC/C/8/Add.29
Colombia	27 February 1991	26 February 1993	14 April 1993	CRC/C/8/Add.3
Côte d'Ivoire	6 March 1991	5 March 1993	22 January 1998	CRC/C/8/Add.41
Croatia	7 November 1991	6 November 1993	8 November 1994	CRC/C/8/Add.19
Cuba	20 September 1991	19 September 1993	27 October 1995	CRC/C/8/Add.30
Cyprus	9 March 1991	8 March 1993	22 December 1994	CRC/C/8/Add.24
Denmark	18 August 1991	17 August 1993	14 September 1993	CRC/C/8/Add.8
Djibouti	5 January 1991	4 January 1993	17 February 1998	CRC/C/8/Add.39
Dominica	12 April 1991	11 April 1993		
Dominican Republic	11 July 1991	10 July 1993	1 December 1999	CRC/C/8/Add.40
Estonia	20 November 1991	19 November 1993	7 June 2001	CRC/C/8/Add.45
Ethiopia	13 June 1991	12 June 1993	10 August 1995	CRC/C/8/Add.27
Finland	20 July 1991	19 July 1993	12 December 1994	CRC/C/8/Add.22
Guyana	13 February 1991	12 February 1993		
Hungary	6 November 1991	5 November 1993	28 June 1996	CRC/C/8/Add.34
Israel	2 November 1991	1 November 1993	20 February 2001	CRC/C/8/Add.44

Initial reports due in 1993 (continued)

State party	Date of entry into force	Date due	Date of submission	Symbol
Italy	5 October 1991	4 October 1993	11 October 1994	CRC/C/8/Add.18
Jamaica	13 June 1991	12 June 1993	25 January 1994	CRC/C/8/Add.12
Jordan	23 June 1991	22 June 1993	25 May 1993	CRC/C/8/Add.4
Kuwait	20 November 1991	19 November 1993	23 August 1996	CRC/C/8/Add.35
Lao People's Democratic Republic	7 June 1991	6 June 1993	18 January 1996	CRC/C/8/Add.32
Lebanon	13 June 1991	12 June 1993	21 December 1994	CRC/C/8/Add.23
Madagascar	18 April 1991	17 May 1993	20 July 1993	CRC/C/8/Add.5
Malawi	1 February 1991	31 January 1993	1 August 2000	CRC/C/8/Add.43
Maldives	13 March 1991	12 March 1993	6 July 1994	CRC/C/8/Add.33 and Add.37
Mauritania	15 June 1991	14 June 1993	18 January 2000	CRC/C/8/Add.42
Myanmar	14 August 1991	13 August 1993	14 September 1995	CRC/C/8/Add.9
Nigeria	19 May 1991	18 May 1993	19 July 1995	CRC/C/8/Add.26
Norway	7 February 1991	6 February 1993	30 August 1993	CRC/C/8/Add.7
Panama	11 January 1991	10 January 1993	19 September 1995	CRC/C/8/Add.28
Poland	7 July 1991	6 July 1993	11 January 1994	CRC/C/8/Add.11
Republic of Korea	20 December 1991	19 December 1993	17 November 1994	CRC/C/8/Add.21
Rwanda	23 February 1991	22 February 1993	30 September 1992	CRC/C/8/Add.1
San Marino	25 December 1991	24 December 1993		
Sao Tome and Principe	13 June 1991	12 June 1993		
Slovenia	25 June 1991	24 June 1993	29 May 1995	CRC/C/8/Add.25

Initial reports due in 1993 (continued)

State party	Date of entry into force	Date due	Date of submission	Symbol
Spain	5 January 1991	4 January 1993	10 August 1993	CRC/C/8/Add.6
Sri Lanka	11 August 1991	10 August 1993	23 March 1994	CRC/C/8/Add.13
The former Yugoslav Republic of Macedonia	17 September 1991	16 September 1993	4 March 1997	CRC/C/8/Add.36
Ukraine	27 September 1991	26 September 1993	8 October 1993	CRC/C/8/Add.10/Rev.1
United Republic of Tanzania	10 July 1991	9 July 1993	20 October 1999	CRC/C/8/Add.14/Rev.1
Yemen	31 May 1991	30 May 1993	14 November 1994	CRC/C/8/Add.20 and Add.38
Yugoslavia	2 February 1991	1 February 1993	21 September 1994	CRC/C/8/Add.16

Initial reports due in 1994

State party	Date of entry into force	Date due	Date of submission	Symbol
Albania	28 March 1992	27 March 1994		
Austria	5 September 1992	4 September 1994	8 October 1996	CRC/C/11/Add.14
Azerbaijan	12 September 1992	11 September 1994	9 November 1995	CRC/C/11/Add.8
Bahrain	14 March 1992	14 March 1994	3 August 2000	CRC/C/11/Add.24
Belgium	15 January 1992	14 January 1994	12 July 1994	CRC/C/11/Add.4
Bosnia and Herzegovina	6 March 1992	5 March 1994		
Cambodia	14 November 1992	15 November 1994	18 December 1997	CRC/C/11/Add.16
Canada	12 January 1992	11 January 1994	17 June 1994	CRC/C/11/Add.3
Cape Verde	4 July 1992	3 July 1994	30 November 1999	CRC/C/11/Add.23
Central African Republic	23 May 1992	23 May 1994	15 April 1998	CRC/C/11/Add.18

Initial reports due in 1994 (continued)

State party	Date of entry into force	Date due	Date of submission	Symbol
China	1 April 1992	31 March 1994	27 March 1995	CRC/C/11/Add.7
Czech Republic	1 January 1993	31 December 1994	4 March 1996	CRC/C/11/Add.11
Equatorial Guinea	15 July 1992	14 July 1994		
Germany	5 April 1992	4 May 1994	30 August 1994	CRC/C/11/Add.5
Iceland	27 November 1992	26 November 1994	30 November 1994	CRC/C/11/Add.6
Ireland	28 October 1992	27 October 1994	4 April 1996	CRC/C/11/Add.12
Latvia	14 May 1992	13 May 1994	25 November 1998	CRC/C/11/Add.22
Lesotho	9 April 1992	8 April 1994	27 April 1998	CRC/C/11/Add.20
Lithuania	1 March 1992	28 February 1994	6 August 1998	CRC/C/11/Add.21
Slovakia	1 January 1993	31 December 1994	6 April 1998	CRC/C/11/Add.17
Thailand	26 April 1992	25 April 1994	23 August 1996	CRC/C/11/Add.13
Trinidad and Tobago	4 January 1992	3 January 1994	16 February 1996	CRC/C/11/Add.10
Tunisia	29 February 1992	28 February 1994	16 May 1994	CRC/C/11/Add.2
United Kingdom of Great Britain and Northern Ireland	15 January 1992	14 January 1994	15 March 1994	CRC/C/11/Add.1, Add.9, Add.15 and Add.15/Corr.1, Add.19
Zambia	5 January 1992	4 January 1994		

Initial reports due in 1995

State party	Date of entry into force	Date due	Date of submission	Symbol
Algeria	16 May 1993	15 May 1995	16 November 1995	CRC/C/28/Add.4
Antigua and Barbuda	4 November 1993	3 November 1995		
Armenia	23 July 1993	5 August 1995	19 February 1997	CRC/C/28/Add.9
Cameroon	10 February 1993	9 February 1995	3 April 2000	CRC/C/28/Add.16
Comoros	22 July 1993	21 July 1995	24 March 1998	CRC/C/28/Add.13
Congo	13 November 1993	12 November 1995		
Fiji	12 September 1993	11 September 1995	12 June 1996	CRC/C/28/Add.7
Greece	10 June 1993	9 June 1995	14 April 2000	CRC/C/28/Add.17
India	11 January 1993	10 January 1995	19 March 1997	CRC/C/28/Add.10
Liberia	4 July 1993	3 July 1995		
Libyan Arab Jamahiriya	15 May 1993	14 May 1995	23 May 1996	CRC/C/28/Add.6
Marshall Islands	3 November 1993	2 November 1995	18 March 1998	CRC/C/28/Add.12
Micronesia (Federated States of)	4 June 1993	3 June 1995	16 April 1996	CRC/C/28/Add.5
Monaco	21 July 1993	20 July 1995	9 June 1999	CRC/C/28/Add.15
Morocco	21 July 1993	20 July 1995	27 July 1995	CRC/C/28/Add.1
New Zealand	6 May 1993	5 May 1995	29 September 1995	CRC/C/28/Add.3
Papua New Guinea	31 March 1993	31 March 1995		
Republic of Moldova	25 February 1993	24 February 1995	5 February 2001	CRC/C/28/Add.19
Saint Lucia	16 July 1993	15 July 1995		
Saint Vincent and the Grenadines	25 November 1993	24 November 1995	5 December 2000	CRC/C/28/Add.18

Initial reports due in 1995 (continued)

State party	Date of entry into force	Date due	Date of submission	Symbol
Suriname	31 March 1993	31 March 1995	13 February 1998	CRC/C/28/Add.11
Syrian Arab Republic	14 August 1993	13 August 1995	22 September 1995	CRC/C/28/Add.2
Tajikistan	25 November 1993	24 November 1995	14 April 1998	CRC/C/28/Add.14
Turkmenistan	20 October 1993	19 October 1995		
Vanuatu	6 August 1993	5 August 1995	27 January 1997	CRC/C/28/Add.8

Initial reports due in 1996

State party	Date of entry into force	Date due	Date of submission	Symbol
Afghanistan	27 April 1994	26 April 1996		
Gabon	11 March 1994	10 March 1996	21 June 2000	CRC/C/41/Add.10
Luxembourg	6 April 1994	5 April 1996	26 July 1996	CRC/C/41/Add.2
Japan	22 May 1994	21 May 1996	30 May 1996	CRC/C/41/Add.1
Mozambique	26 May 1994	25 May 1996	21 June 2000	CRC/C/41/Add.11
Georgia	2 July 1994	1 July 1996	7 April 1997	CRC/C/41/Add.4
Iraq	15 July 1994	14 July 1996	6 August 1996	CRC/C/41/Add.3
United Kingdom of Great Britain and Northern Ireland (Overseas Territories)	7 September 1994	6 September 1996	26 May 1999	CRC/C/41/Add.7
Uzbekistan	29 July 1994	28 July 1996	27 December 1999	CRC/C/41/Add.8
Iran (Islamic Republic of)	12 August 1994	11 August 1996	9 December 1997	CRC/C/41/Add.5

Initial reports due in 1996 (continued)

State party	Date of entry into force	Date due	Date of submission	Symbol
Nauru	26 August 1994	25 August 1996		
Eritrea	2 September 1994	1 September 1996	27 July 2001	CRC/C/41/Add.12
Kazakhstan	11 September 1994	10 September 1996	20 November 2001	CRC/C/41/Add.13
Kyrgyzstan	6 November 1994	5 November 1996	16 February 1998	CRC/C/41/Add.6
Samoa	29 December 1994	28 December 1996		

Initial reports due in 1997

State party	Date of entry into force	Date due	Date of submission	Symbol
Netherlands	7 March 1995	6 March 1997	15 May 1997	CRC/C/51/Add.1
Netherlands (Netherlands Antilles)	16 January 1998	16 January 2000	22 January 2001	CRC/C/107/Add.1
Malaysia	19 March 1995	18 March 1997		
Botswana	13 April 1995	12 April 1997		
Qatar	3 May 1995	2 May 1997	29 October 1999	CRC/C/51/Add.5
Turkey	4 May 1995	3 May 1997	7 July 1999	CRC/C/51/Add.4
Solomon Islands	10 May 1995	9 May 1997		
Haiti	8 July 1995	7 July 1997	3 April 2001	CRC/C/51/Add.7
South Africa	16 July 1995	15 July 1997	4 December 1997	CRC/C/51/Add.2
Palau	3 September 1995	3 September 1997	21 October 1998	CRC/C/51/Add.3
Swaziland	6 October 1995	5 October 1997		
Tuvalu	22 October 1995	21 October 1997		
Singapore	4 November 1995	3 November 1997		
Tonga	6 December 1995	5 December 1997		

Initial reports due in 1998

State party	Date of entry into force	Date due	Date of submission	Symbol
Kiribati	10 January 1996	9 January 1998		
Niue	19 January 1996	18 January 1998		
Liechtenstein	21 January 1996	20 January 1998	22 September 1998	CRC/C/61/Add.1
Brunei Darussalam	26 January 1996	25 January 1998	20 December 2001	CRC/C/61/Add.4
Andorra	1 February 1996	31 January 1998	27 July 2000	CRC/C/61/Add.3
Saudi Arabia	25 February 1996	24 February 1998	21 October 1999	CRC/C/61/Add.2

Initial reports due in 1999

State party	Date of entry into force	Date due	Date of submission	Symbol
Oman	8 January 1997	7 January 1999	5 July 1999	CRC/C/78/Add.1
United Arab Emirates	2 February 1997	1 February 1999	15 April 2000	CRC/C/78/Add.2
Switzerland	26 March 1997	25 March 1999	19 January 2001	CRC/C/78/Add.3
Cook Islands	6 July 1997	5 July 1999		

Second periodic reports due in 1997

State party	Date due	Date of submission	Symbol
Bangladesh	1 September 1997	12 June 2001	CRC/C/65/Add.22
Barbados	7 November 1997		
Belarus	30 October 1997	20 May 1999	CRC/C/65/Add.14
Belize	1 September 1997		
Benin	1 September 1997		
Bhutan	1 September 1997		
Bolivia	1 September 1997	12 August 1997	CRC/C/65/Add.1
Brazil	23 October 1997		
Burkina Faso	29 September 1997	11 October 1999	CRC/C/65/Add.18
Burundi	17 November 1997		
Chad	31 October 1997		
Chile	11 September 1997	10 February 1999	CRC/C/65/Add.13
Costa Rica	20 September 1997	20 January 1998	CRC/C/65/Add.7
Democratic People's Republic of Korea	20 October 1997		
Democratic Republic of the Congo	26 October 1997		
Ecuador	1 September 1997		
Egypt	1 September 1997	18 September 1998	CRC/C/65/Add.9
El Salvador	1 September 1997		
France	5 September 1997		
Gambia	6 September 1997		

Second periodic reports due in 1997 (continued)

State party	Date due	Date of submission	Symbol
Ghana	1 September 1997		
Grenada	4 December 1997		
Guatemala	1 September 1997	7 October 1998	CRC/C/65/Add.10
Guinea	1 September 1997		
Guinea-Bissau	18 September 1997		
Holy See	1 September 1997		
Honduras	8 September 1997	18 September 1997	CRC/C/65/Add.2
Indonesia	4 October 1997		
Kenya	1 September 1997		
Mali	19 October 1997		
Malta	29 October 1997		
Mauritius	1 September 1997		
Mexico	20 October 1997	14 January 1998	CRC/C/65/Add.6
Mongolia	1 September 1997		
Namibia	29 October 1997		
Nepal	13 October 1997		
Nicaragua	3 November 1997	12 November 1997	CRC/C/65/Add.4
Niger	29 October 1997		
Pakistan	11 December 1997	19 January 2001	CRC/C/65/Add.21
Paraguay	24 October 1997	12 October 1998	CRC/C/65/Add.12

Second periodic reports due in 1997 (continued)

State party	Date due	Date of submission	Symbol
Peru	3 October 1997	25 March 1998	CRC/C/65/Add.8
Philippines	19 September 1997		
Portugal	20 October 1997	8 October 1998	CRC/C/65/Add.11
Romania	27 October 1997	18 January 2000	CRC/C/65/Add.19
Russian Federation	14 September 1997	12 January 1998	CRC/C/65/Add.5
Saint Kitts and Nevis	1 September 1997		
Senegal	1 September 1997		
Seychelles	6 October 1997		
Sierra Leone	1 September 1997		
Sudan	1 September 1997	7 July 1999	CRC/C/65/Add.15
Sweden	1 September 1997	25 September 1997	CRC/C/65/Add.3
Togo	1 September 1997		
Uganda	15 September 1997		
Uruguay	19 December 1997		
Venezuela	12 October 1997		
Viet Nam	1 September 1997	10 May 2000	CRC/C/65/Add.20
Zimbabwe	10 October 1997		

Second periodic reports due in 1998

State party	Date due	Date of submission	Symbol
Angola	3 January 1998		
Argentina	2 January 1998	12 August 1999	CRC/C/70/Add.16
Australia	15 January 1998		
Bahamas	21 March 1998		
Bulgaria	2 July 1998		

Second periodic reports due in 1998 (continued)

State party	Date due	Date of submission	Symbol
Colombia	26 February 1998	9 September 1998	CRC/C/70/Add.5
Côte d'Ivoire	5 March 1998		
Croatia	7 October 1998		
Cuba	19 September 1998		
Cyprus	8 March 1998	15 September 2000	CRC/C/70/Add.16
Denmark	17 August 1998	15 September 1998	CRC/C/70/Add.6
Djibouti	4 January 1998		
Dominica	11 April 1998		
Dominican Republic	10 July 1998		
Estonia	19 November 1998		
Ethiopia	12 June 1998	28 September 1998	CRC/C/70/Add.7
Finland	19 July 1998	3 August 1998	CRC/C/70/Add.3
Guyana	12 February 1998		
Hungary	5 November 1998		
Israel	1 November 1998		
Italy	4 October 1998	21 March 2000	CRC/C/70/Add.13
Jamaica	12 June 1998		
Jordan	22 June 1998	5 August 1998	CRC/C/70/Add.4
Kuwait	19 November 1998		
Lao People's Democratic Republic	6 June 1998		

Second periodic reports due in 1998 (continued)

State party	Date due	Date of submission	Symbol
Lebanon	12 June 1998	4 December 1998	CRC/C/70/Add.8
Madagascar	17 April 1998		
Malawi	31 January 1998		
Maldives	12 March 1998		
Mauritania	14 June 1998		
Myanmar	13 August 1998		
Nigeria	18 May 1998		
Norway	6 February 1998	1 July 1998	CRC/C/70/Add.2
Panama	10 January 1998	2 December 1999	CRC/C/70/Add.12
Poland	6 July 1998		
Republic of Korea	19 December 1998	1 May 2000	CRC/C/70/Add.14
Rwanda	22 February 1998		
San Marino	24 December 1998		
Sao Tome and Principe	12 June 1998		
Slovenia	24 June 1998	18 September 2001	CRC/C/70/Add.19
Spain	4 January 1998	1 June 1999	CRC/C/70/Add.9
Sri Lanka	10 August 1998	21 September 2000	CRC/C/70/Add.17
The former Yugoslav Republic of Macedonia	16 September 1998		
Ukraine	26 September 1998	12 August 1999	CRC/C/70/Add.11
United Republic of Tanzania	9 July 1998		
Yemen	30 May 1998	3 February 1998	CRC/C/70/Add.1
Yugoslavia	1 February 1998		

Second periodic reports due in 1999

State party	Date due	Date of submission	Symbol
Albania	27 March 1999		
Austria	4 September 1999		
Azerbaijan	11 September 1999		
Bahrain	14 March 1999		
Belgium	15 January 1999	7 May 1999	CRC/C/83/Add.2
Bosnia and Herzegovina	5 March 1999		
Cambodia	15 November 1999		
Canada	11 January 1999	3 May 2001	CRC/C/83/Add.6
Cape Verde	3 July 1999		
Central African Republic	23 May 1999		
China	31 March 1999		
Czech Republic	31 December 1999	3 March 2000	CRC/C/83/Add.4
Equatorial Guinea	14 July 1999		
Germany	4 May 1999	23 July 2001	CRC/C/83/Add.7
Iceland	26 November 1999	27 April 2000	CRC/C/83/Add.5
Ireland	27 October 1999		
Latvia	13 May 1999		
Lesotho	8 April 1999		
Lithuania	28 February 1999		
Slovakia	31 December 1999		

Second periodic reports due in 1999 (continued)

State party	Date due	Date of submission	Symbol
Thailand	25 April 1999		
Trinidad and Tobago	3 January 1999		
Tunisia	28 February 1999	16 March 1999	CRC/C/83/Add.1
United Kingdom of Great Britain and Northern Ireland	14 January 1999	14 September 1999	CRC/C/83/Add.3
Zambia	4 January 1999		

Second periodic reports due in 2000

State party	Date due	Date of submission	Symbol
Algeria	15 May 2000		
Antigua and Barbuda	3 November 2000		
Armenia	5 August 2000		
Cameroon	9 February 2000		
Comoros	21 July 2000		
Congo	12 November 2000		
Federated States of Micronesia	3 June 2000		
Fiji	11 September 2000		
Greece	9 June 2000		
India	10 January 2000	10 December 2001	CRC/C/93/Add.5
Liberia	3 July 2000		
Libyan Arab Jamahiriya	14 May 2000	8 August 2000	CRC/C/93/Add.1
Marshall Islands	2 November 2000		
Monaco	20 July 2000		
Morocco	20 July 2000	13 October 2000	CRC/C/93/Add.3

Second periodic reports due in 2000 (continued)

State party	Date due	Date of submission	Symbol
New Zealand	5 May 2000	19 February 2001	CRC/C/93/Add.4
Papua New Guinea	31 March 2000		
Republic of Moldova	24 February 2000		
Saint Lucia	15 July 2000		
Saint Vincent and the Grenadines	24 November 2000		
Suriname	31 March 2000		
Syrian Arab Republic	13 August 2000	15 August 2000	CRC/C/93/Add.2
Tajikistan	24 November 2000		
Turkmenistan	19 October 2000		
Vanuatu	5 August 2000		

Annex VI

GUIDELINES REGARDING INITIAL REPORTS TO BE SUBMITTED BY STATES PARTIES UNDER ARTICLE 8, PARAGRAPH 1, OF THE OPTIONAL PROTOCOL TO THE CONVENTION ON THE RIGHTS OF THE CHILD ON THE INVOLVEMENT OF CHILDREN IN ARMED CONFLICT

Adopted by the Committee at its 736th meeting (twenty-eighth session) on 3 October 2001

Introduction

1. Pursuant to article 8, paragraph 1, of the Optional Protocol, States parties shall, within two years following the entry into force of the Protocol for the State party concerned, submit a report to the Committee on the Rights of the Child providing comprehensive information on the measures it has taken to implement the provisions of the Optional Protocol. Thereafter, pursuant to article 8, paragraph 2, of the Optional Protocol, States parties shall include in the reports they submit to the Committee on the Rights of the Child in accordance with article 44, paragraph 1 (b), of the Convention any further information with respect to the implementation of the Optional Protocol. States parties to the Optional Protocol who are not parties to the Convention shall submit a report every five years after the submission of the comprehensive report.

2. The Committee may, in the light of article 8, paragraph 3, of the Optional Protocol, request from States parties further information relevant to the implementation of the Optional Protocol.

3. Reports should provide information on the measures adopted by the State party to give effect to the rights set forth in the Optional Protocol and on the progress made in the enjoyment of those rights and should indicate the factors and difficulties, if any, affecting the degree of fulfilment of the obligations under the Optional Protocol.

4. Copies of the principal legislative texts and judicial decisions, administrative and other relevant instructions to the armed forces, both of a civil and a military character, as well as detailed statistical information, indicators referred to therein and relevant research should accompany reports. In reporting to the Committee, States parties should indicate how the implementation of the Optional Protocol is in line with the general principles of the Convention on the Rights of the Child, namely non-discrimination, best interests of the child, right to life, survival and development, and respect for the views of the child. Moreover, the process of preparation of the report should be described to the Committee, including the involvement of governmental and non-governmental organizations/bodies in its drafting and dissemination. Finally, reports should indicate the date of reference used when determining whether or not a person is within an age limit (for instance, the date of birth of the person concerned or the first day of the year during which the person concerned reaches that age).

Article 1

5. Please provide information on all measures taken, including of a legislative, administrative or other nature, to ensure that members of the armed forces who have not attained the age of 18 years do not take a direct part in hostilities. In this respect, please provide information notably on

(a) The meaning of "direct participation" in the legislation and practice of the State concerned;

(b) The measures taken to avoid a member of the armed forces who has not attained the age of 18 years being deployed or maintained in an area where hostilities are taking place and the obstacles encountered in applying these measures;

(c) When relevant, disaggregated data on members of the armed forces below the age of 18 years who were taken prisoner, despite not having participated directly in hostilities.

Article 2

6. Please indicate all the measures taken, including of a legislative, administrative or other nature, to ensure that persons who have not attained the age 18 years are not compulsorily recruited into the armed forces. In this regard, reports should provide, information on, inter alia:

(a) The process of compulsory recruitment (i.e. from registration up to the physical integration into the armed forces), indicating the minimum age linked to each step and at what point in that process recruits become members of the armed forces;

(b) The documents considered reliable which are required to verify age prior to acceptance into compulsory military service (birth certificate, affidavit, etc.);

(c) Any legal provision enabling the age of conscription to be lowered in exceptional circumstances (e.g. state of emergency). In this respect, please provide information on the age it can be lowered to and the process for and conditions of that change;

(d) For States parties where compulsory military service has been suspended but not abolished, the minimum age of recruitment set for compulsory military service and how, and under what conditions, compulsory service can be reactivated.

Article 3

Paragraph 1

7. Reports should contain the following:

(a) The minimum age set for voluntary recruitment into the armed forces, in accordance with the declaration submitted upon ratification or accession or any change thereafter;

(b) When relevant, disaggregated data (for example, by gender, age, region, rural/urban areas and social and ethnic origin, and military ranks) on children below the age of 18 years voluntarily recruited into the national armed forces;

(c) When relevant, the measures taken pursuant to article 38, paragraph 3, of the Convention on the Rights of the Child to ensure that in recruiting those persons who have attained the minimum age set for voluntary recruitment but who have not attained the age of 18 years, priority is given to those who are oldest. In this respect, provide information on the measures of special protection adopted for the recruits under 18 years old.

Paragraphs 2 and 4

8. Reports should provide information on:

(a) The debate which has taken place in the State party prior to the adoption of the binding declaration and the people involved in that debate;

(b) When relevant, the national (or regional, local, etc.) debates, initiatives, or any campaign aimed at strengthening the declaration if it set a minimum age lower than 18 years.

Paragraph 3

9. With regard to the minimum safeguards that States parties shall maintain concerning voluntary recruitment, reports should provide information on the implementation of these safeguards and indicate, among other things:

(a) A detailed description of the procedure used for such recruitment, from the expression of intention to volunteer through to the physical integration into the armed forces;

(b) Medical examinations foreseen before volunteers can be recruited;

(c) The documentation required to verify the age of the volunteers (birth certificate, affidavit, etc.);

(d) Information that is made available to the volunteers, and to their parents or legal guardians, allowing them to formulate their own opinion and to make them aware of the duties involved in the military service. A copy of any materials used for this purpose should be annexed to the report;

(e) The effective minimum service time and the conditions for early discharge; the application of military justice or discipline to recruits under 18 and disaggregated data on the number of such recruits being tried or in detention; the minimum and maximum sanctions foreseen in case of desertion;

(f) The incentives used by the national armed forces for encouraging volunteers (scholarships, advertising, meetings at schools, games, etc.).

Paragraph 5

10. Reports should provide information on:

(a) The minimum age of entry into schools operated by or under the control of the armed forces;

(b) Disaggregated data on schools operated by or under the control of the armed forces, including their number, the type of education provided and the proportions of academic education and military training in the curricula; length of the education; academic/military personnel involved, educational facilities, etc.;

(c) The inclusion in the school curricula of human rights and humanitarian principles, including in areas relevant to the realization of the rights of the child;

(d) Disaggregated data (for example, by gender, age, region, rural/urban areas and social and ethnic origin) on the students attending these schools; their status (members or not of the armed forces); their military status in the case of a mobilization or of an armed conflict, a genuine military need or any other emergency situation; their right to leave such schools at any time and not to pursue a military career;

(e) The measures taken to ensure that school discipline is administered in a manner consistent with the child's human dignity, and any complaint mechanisms available in this regard.

Article 4

11. Please provide information on, inter alia:

(a) The armed groups operating on/from the territory of the State party or with sanctuary on its territory;

(b) The status of any negotiations between the State party and armed groups;

(c) Disaggregated data (for example, by gender, age, region, rural/urban areas and social and ethnic origin, time spent in the armed groups, and time spent participating in hostilities) on children who have been recruited and used in hostilities by armed groups and on those who have been arrested by the State party;

(d) Any written or oral commitment made by armed groups not to recruit and use children below the age of 18 in hostilities;

(e) Measures adopted by the State party aimed at raising awareness amongst armed groups and within communities of the need to prevent the recruitment of children below the age of 18 and of their legal obligations with regard to the minimum age set in the Optional Protocol for recruitment and participation in hostilities;

(f) The adoption of legal measures which aim at prohibiting and criminalizing the recruitment and use in hostilities of children under the age of 18 by armed groups and relevant judicial decisions;

(g) The programmes (e.g. birth registration campaigns) to prevent children who are at highest risk of recruitment or use by armed groups, such as refugee and internally displaced children, street children, orphans, from being so recruited or used.

Article 5

12. Please indicate those provisions of the national legislation or of international instruments and international humanitarian law applicable in the State party, which are more conducive to the realization of the rights of the child. Reports should also provide information on the status of ratification by the State party of the main international instruments concerning children in armed conflict and on other commitments undertaken by the State party concerning this issue.

Article 6

Paragraphs 1 and 2

13. Indicate the measures adopted to ensure the effective implementation and enforcement of the provisions of the Optional Protocol within the jurisdiction of the State party, including information on:

(a) Any review of domestic legislation and amendments introduced;

(b) The legal status of the Optional Protocol in national law and its applicability before domestic jurisdictions, as well as, when relevant, the intention of the State party to withdraw existing reservations made to the Optional Protocol;

(c) The governmental departments or bodies responsible for the implementation of the Optional Protocol and their coordination with regional and local authorities, as well as with civil society;

(d) The mechanisms and means used for monitoring and periodically evaluating the implementation of the Optional Protocol;

(e) Measures adopted to ensure the training of peacekeeping personnel on the rights of the child, including the provisions of the Optional Protocol;

(f) The dissemination in all relevant languages of the Optional Protocol to all children and adults, notably those responsible for military recruitment, and the training offered to all professional groups working with and for children.

Paragraph 3

14. When relevant, please describe all measures adopted with regard to disarmament, demobilization (or release from service), and the provision of appropriate assistance for the physical and psychological recovery and social reintegration of children, taking due account of the specific situation of girls, including information on:

(a) The children involved in that procedure, on their participation in such programmes, and on their status with regard to the armed forces and armed groups (e.g. when do they stop being members of the armed forces or groups?); the data should be disaggregated by, e.g., age and sex;

(b) The budget allocated to these programmes, the personnel involved and their training, the organizations concerned, cooperation among them, and participation of civil society, local communities, families, etc.;

(c) The various measures adopted to ensure the social reintegration of children, e.g. interim care, access to education and vocational training, reintegration in the family and community and relevant judicial measures, taking into account the specific needs of the children concerned, depending notably on their age and sex;

(d) The measures adopted to ensure confidentiality and protection of children involved in such programmes from media exposure and exploitation;

(e) The legal provisions adopted to criminalize the recruitment of children and whether that crime comes within the competence of any specific justice-seeking mechanisms established in the context of conflict (e.g. war crimes tribunal, truth and reconciliation bodies); the safeguards adopted to ensure that the rights of the child as a victim and as a witness are respected in these mechanisms in light of the Convention on the Rights of the Child;

(f) The criminal liability of children for crimes they may have committed during their stay with armed forces or groups and the judicial procedure applicable, as well as safeguards to ensure that the rights of the child are respected;

(g) When relevant, the provisions of peace agreements dealing with the disarmament, demobilization, and/or physical and psychological recovery and social reintegration of child combatants.

Article 7

15. Reports should provide information on cooperation in the implementation of the Optional Protocol, including through technical cooperation and financial assistance. In this regard, reports should provide information, inter alia, on the extent of the technical cooperation or financial assistance which the State party has requested or offered. Please indicate if the State party is in a position to provide financial assistance and describe the multilateral, bilateral or other programmes that have been undertaken with that assistance.

Annex VII

GUIDELINES REGARDING INITIAL REPORTS TO BE SUBMITTED BY STATES PARTIES UNDER ARTICLE 12, PARAGRAPH 1, OF THE OPTIONAL PROTOCOL TO THE CONVENTION ON THE RIGHTS OF THE CHILD ON THE SALE OF CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY

Adopted by the Committee at its 777th meeting (twenty-ninth session) on 1 February 2002

I. INTRODUCTION

1. Pursuant to article 12, paragraph 1, of the Optional Protocol, each State party shall, within two years following the entry into force of the Optional Protocol for that State party, submit a report to the Committee on the Rights of the Child providing comprehensive information on the measures it has taken to implement the provisions of the Optional Protocol. Thereafter, pursuant to article 12, paragraph 2, of the Optional Protocol, States parties shall include in the reports they submit to the Committee on the Rights of the Child in accordance with article 44, paragraph 1 (b), of the Convention any further information with respect to the implementation of the Optional Protocol. States parties to the Optional Protocol that are not parties to the Convention shall submit a report every five years.

2. The Committee may, in the light of article 12, paragraph 3, of the Optional Protocol, request from States parties further information relevant to the implementation of the Optional Protocol.

3. Reports should provide information on:

(a) The legal status of the Optional Protocol in domestic law and its applicability in domestic jurisdictions;

(b) When relevant, the intention of the State party to withdraw existing reservations made to the Optional Protocol;

(c) The governmental departments or bodies competent for the implementation of the Optional Protocol and their coordination with regional and local authorities as well as the civil society, the business sector, the media, etc.;

(d) The dissemination to the public at large, including children and parents, of information, through all appropriate means, education and training, about the provisions of the Optional Protocol;

(e) The dissemination of the Optional Protocol and the appropriate training offered to all professional groups working with and for children and all other relevant groups (immigration and law enforcement officers, social workers, etc.);

(f) The mechanisms and procedures used for the periodic evaluation of the implementation of the Optional Protocol and the main challenges encountered so far.

4. In reporting to the Committee, States parties should indicate how the implementation of the Optional Protocol is in line with the general principles of the Convention on the rights of the Child, namely non-discrimination, best interests of the child, right to life, survival and development, and respect for the views of the child. The States parties also should elaborate on how and to what extent the implementation of the Optional Protocol contributes to the implementation of the provisions of the Convention on the Rights of the Child, in particular articles 1, 11, 21, 32, 33, 34, 35 and 36 (see preamble of the Optional Protocol). Moreover, the process of preparation of the report should be described to the Committee, including the involvement of governmental and non-governmental organizations/bodies in its drafting and dissemination.

5. Moreover, *for all areas raised in these guidelines*, the Committee invites States parties to provide it with:

(a) Information on the progress made in the enjoyment of the rights set forth in the Optional Protocol;

(b) An analysis of the factors and difficulties, if any, affecting the degree of fulfilment of the obligations under the Optional Protocol;

(c) Information on the budget allocated to the various activities of the State party related to the Optional Protocol;

(d) Detailed disaggregated data;

(e) Copies of the principal legislative, administrative and other relevant texts and judicial decisions and relevant research.

II. PROHIBITION OF THE SALE OF CHILDREN, CHILD PORNOGRAPHY AND CHILD PROSTITUTION

6. Please provide information on existing criminal or penal laws and regulations covering and defining the acts and activities enumerated in article 3, paragraph 1, of the Optional Protocol. In this respect, please provide information on:

(a) The age limit used for defining a child in the definition of each of these offences;

(b) The penalties which apply to each of these offences and what the aggravating or attenuating circumstances applicable to them are;

(c) The Statute of Limitation for each of these offences;

(d) Any other acts or activities which are criminalized under the penal or criminal laws of the State party and which are not covered by article 3, paragraph 1, of the Optional Protocol;

(e) The liability of legal persons for the acts and activities enumerated in article 3, paragraph 1, of the Optional Protocol, indicating the definition of a legal person in the State party; and

(f) The status, under the criminal or penal law of the State party, of attempts to commit and complicity or participation in any of the offences referred to previously.

7. With regard to adoption (art. 3, para. 1 (a) (ii)), please indicate the bilateral and multilateral agreements which are applicable to the State party and how the State party ensures that all persons involved in the adoption of the child act in conformity with these international agreements.

III. PENAL/CRIMINAL PROCEDURE

Jurisdiction

8. Please indicate the measures adopted, including of a legislative, judicial and administrative nature, to establish the State party's jurisdiction over the offences referred to in article 3, paragraph 1, of the Optional Protocol when:

(a) These offences are committed in its territory or on board a ship or aircraft registered in the State party;

(b) The alleged offender is a national of the State party or a person who has his/her habitual residence in its territory;

(c) The victim is a national of the State party;

(d) The alleged offender is present in its territory and it does not extradite her/him to another State party on the ground that the offence has been committed by one of its nationals. In that case, please indicate if an extradition request is required prior to the State party establishing its jurisdiction.

9. Please indicate any other measures at the national level, including of a legislative, judicial and administrative nature, which establish other rules concerning criminal jurisdiction by the State party.

Extradition

10. Please provide information on the State party's extradition policy related to the offences referred to in article 3, paragraph 1, of the Optional Protocol with specific attention to the various situations enumerated in article 5 of the Optional Protocol. For each situation relevant to the State party, in light of the disaggregated data requested under paragraph 5 (d) of these

guidelines, please indicate the number of extradition requests received from or sent to the States concerned, and provide disaggregated data about the offenders and the victims (age, sex, nationality, etc.). Please also provide information on the length of the procedure, and on cases of extradition requests which have been sent or received and which did not succeed.

Seizure and confiscation of goods and proceeds, and closure of premises

11. Please provide information on the measures adopted, including of a legislative, judicial and administrative nature, related to:

(a) The seizure and confiscation of goods and proceeds referred to in article 7 (a) of the Optional Protocol;

(b) The closing, on a temporary or definitive basis, of premises used to commit offences as provided for in article 3, paragraph 1, of the Optional Protocol.

IV. PROTECTION OF THE RIGHTS OF CHILD VICTIMS

12. In light of articles 8, 9 paragraphs 3 and 4, of the Optional Protocol, please provide information on the measures, including of a legislative, judicial and administrative nature, that have been adopted to protect the rights and interests of child victims of offences prohibited under the Optional Protocol at all stages of the criminal justice process while ensuring the rights of the accused to a fair and impartial trial. Please indicate the measures adopted:

(a) To ensure that the best interests of the child is a primary consideration in the relevant domestic legislation and regulations governing the treatment of child victims by the criminal justice system;

(b) To ensure that criminal investigations are initiated even in cases where the actual age of the victim cannot be established and indicate the means used for this determination;

(c) To adapt the procedures so they are child sensitive, with special regard to the dignity and worth of the child and her/his cultural background, including the procedures used for investigation, interrogation, trial and cross-examination of child victims and witnesses; the right of a parent or guardian to be present; the right to be represented by a legal adviser or to apply for free legal aid. In that respect, please indicate what the legal consequences are for a child who has committed an offence under the law applicable to her/him as a direct result of the practices prohibited under the Optional Protocol;

(d) To inform the child during the whole of the legal process and indicate the persons responsible for this task;

(e) To allow the child to express her/his views, needs and concerns;

(f) To provide appropriate support services to child victims, including psychosocial, psychological and linguistic support at every step of legal proceedings;

(g) To protect, as appropriate, the privacy and identity of child victims;

(h) To provide, in appropriate cases, for the safety of child victims, as well as of their families, witnesses on their behalf, and individuals/organizations dealing with the prevention and/or protection and rehabilitation of child victims from intimidation and retaliation;

(i) To ensure that all child victims have access to adequate procedures to seek, without discrimination, compensation for damages from those legally responsible and to avoid unnecessary delay in the disposition of cases and the execution of orders or decrees granting compensation; and

(j) To ensure that child victims receive all appropriate assistance, including for their full social reintegration and full physical and psychological recovery.

V. PREVENTION OF THE SALE OF CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY

13. In light of article 9, paragraphs 1, 2, 5 and 10, and paragraph 1 of the Optional Protocol, please provide information on:

(a) The measures, including of a legislative, judicial and administrative nature, and the policies and programmes adopted to prevent the offences referred to in the Optional Protocol. Reports should also give information on children concerned by these preventive measures and on the measures used to particularly target children who are especially vulnerable to such practices;

(b) The means used to raise awareness within the population at large about the offences prohibited under the Optional Protocol. Please provide disaggregated information, including on:

(i) The various types of awareness, educational and training activities;

(ii) The public concerned;

(iii) The involvement of governmental bodies and non-governmental organizations, the business sector, media professionals, etc.;

(iv) The participation of children/child victims and/or communities;

(v) The scope of these activities (local, regional, national and/or international);

(c) The measures adopted, including of a legislative, judicial and administrative nature, to effectively prohibit the production and dissemination of material advertising the offences described in the Optional Protocol, as well as the mechanisms established to monitor the situation.

VI. INTERNATIONAL ASSISTANCE AND COOPERATION

Prevention

14. In light of article 10, paragraph 3, of the Optional Protocol, please provide information on the activities of the State party to promote international cooperation to address the root causes, particularly poverty and underdevelopment, which contribute to the vulnerability of children to the sale of children, child prostitution, child pornography, and child sex tourism.

Protection of victims

15. In light of article 10, paragraph 2, of the Optional Protocol, please provide information on international cooperation to assist child victims in their physical and psychological recovery, social reintegration and repatriation.

Law enforcement

16. In light of articles 6 and 10 of the Optional Protocol, please provide information on the assistance and cooperation provided by the State party at all steps/parts of the penal or criminal procedure with regard to the offences as provided in article 3, paragraph 1, of the Optional Protocol (detection, investigation, prosecution, punishment and extradition proceedings). In light of article 7 (b) of the Optional Protocol, please provide information on requests received from another State party for seizure or confiscation of goods or proceeds referred to in article 7 (a) of the Optional Protocol.

17. Please indicate the relevant bilateral, regional and/or multilateral agreements, treaties or other arrangements which the State party concerned is party to, and/or any relevant domestic legislation in that respect. Finally, please indicate what cooperation/coordination has been set up between the State party's authorities, national and international non-governmental organizations, and international organizations.

Financial and other assistance

18. With reference to international cooperation, mentioned above, (paras. 14-17), please provide information on the financial, technical or other assistance provided and/or received through existing multilateral, bilateral or other programmes that have been undertaken to that end.

VII. OTHER LEGAL PROVISIONS

19. Please indicate any relevant provisions of domestic legislation and international law in force in the State concerned which are more conducive to the realization of the rights of the child. Reports should also provide information on the status of ratification by the State concerned of the main international instruments concerning sale of children, child prostitution, child pornography and child sex tourism and on other commitments undertaken by that State concerning this issue, and on their implementation and challenges encountered.

Annex VIII

GENERAL COMMENT NO. 1 (2001), ARTICLE 29, PARAGRAPH 1: THE AIMS OF EDUCATION

Article 29, paragraph 1, Convention on the Rights of the Child

> "States Parties agree that the education of the child shall be directed to:
>
> "(a) The development of the child's personality, talents and mental and physical abilities to their fullest potential;
>
> "(b) The development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations;
>
> "(c) The development of respect for the child's parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilizations different from his or her own;
>
> "(d) The preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin;
>
> "(e) The development of respect for the natural environment."

Appendix

GENERAL COMMENT 1 (2001): THE AIMS OF EDUCATION

The significance of article 29 (1)

1. Article 29, paragraph 1, of the Convention on the rights of the Child is of far-reaching importance. The aims of education that it sets out, which have been agreed to by all States parties, promote, support and protect the core value of the Convention: the human dignity innate in every child and his or her equal and inalienable rights. These aims, set out in the five subparagraphs of article 29 (1), are all linked directly to the realization of the child's human dignity and rights, taking into account the child's special developmental needs and diverse evolving capacities. The aims are: the holistic development of the full potential of the child (29 (1) (a)), including development of respect for human rights (29 (1) (b)), an enhanced sense of identity and affiliation (29 (1) (c)), and his or her socialization and interaction with others (29 (1) (d)) and with the environment (29 (1) (e)).

2. Article 29 (1), not only adds to the right to education recognized in article 28 a qualitative dimension which reflects the rights and inherent dignity of the child; it also insists upon the need for education to be child-centred, child-friendly and empowering and it highlights the need for educational processes to be based upon the very principles it enunciates.[a] The education to which every child has a right is one designed to provide the child with life skills, to strengthen the child's capacity to enjoy the full range of human rights and to promote a culture which is infused by appropriate human rights values. The goal is to empower the child by developing his or her skills, learning and other capacities, human dignity, self-esteem and self-confidence. "Education" in this context goes far beyond formal schooling to embrace the broad range of life experiences and learning processes which enable children, individually and collectively, to develop their personalities, talents and abilities and to live a full and satisfying life within society.

3. The child's right to education is not only a matter of access (art. 28) but also of content. An education with its contents firmly rooted in the values of article 29 (1) is for every child an indispensable tool for her or his efforts to achieve in the course of her or his life a balanced, human rights-friendly response to the challenges that accompany a period of fundamental change driven by globalization, new technologies and related phenomena. Such challenges include the tensions between, inter alia, the global and the local; the individual and the collective; tradition and modernity; long- and short-term considerations; competition and equality of opportunity; the expansion of knowledge and the capacity to assimilate it; and the spiritual and the material.[b] And yet, in the national and international programmes and policies on education that really count, the elements embodied in article 29 (1) seem all too often to be either largely missing or present only as a cosmetic afterthought.

4. Article 29 (1) states that the States parties agree that education should be directed to a wide range of values. This agreement overcomes the boundaries of religion, nation and culture built across many parts of the world. At first sight, some of the diverse values expressed in article 29 (1) might be thought to be in conflict with one another in certain situations. Thus,

efforts to promote understanding, tolerance and friendship among all peoples, to which paragraph (1) (d) refers, might not always be automatically compatible with policies designed, in accordance with paragraph (1) (c), to develop respect for the child's own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilizations different from his or her own. But in fact, part of the importance of this provision lies precisely in its recognition of the need for a balanced approach to education and one which succeeds in reconciling diverse values through dialogue and respect for difference. Moreover, children are capable of playing a unique role in bridging many of the differences that have historically separated groups of people from one another.

The functions of article 29 (1)

5. Article 29 (1), is much more than an inventory or listing of different objectives which education should seek to achieve. Within the overall context of the Convention it serves to highlight, inter alia, the following dimensions.

6. First, it emphasizes the indispensable interconnected nature of the Convention's provisions. It draws upon, reinforces, integrates and complements a variety of other provisions and cannot be properly understood in isolation from them. In addition to the general principles of the Convention - non-discrimination (art. 2), the best interest of the child (art. 3), the right to life, survival and development (art. 6) and the right to express views and have them taken into account (art. 12) - many other provisions may be mentioned, such as but not limited to the rights and responsibilities of parents (arts. 5 and 18), freedom of expression (art. 13), freedom of thought (art. 14), the right to information (art. 17), the rights of children with disabilities (art. 23), the right to education for health (art. 24), the right to education (art. 28), and the linguistic and cultural rights of children belonging to minority groups (art. 30).

7. Children's rights are not detached or isolated values devoid of context, but exist within a broader ethical framework which is partly described in article 29 (1) and in the preamble to the Convention. Many of the criticisms that have been made of the Convention are specifically answered by this provision. Thus, for example, this article underlines the importance of respect for parents, of the need to view rights within their broader ethical, moral, spiritual, cultural or social framework, and of the fact that most children's rights, far from being externally imposed, are embedded within the values of local communities.

8. Second, the article attaches importance to the process by which the right to education is to be promoted. Thus, efforts to promote the enjoyment of other rights must not be undermined, and should be reinforced, by the values imparted in the educational process. This includes not only the content of the curriculum but also the educational processes, the pedagogical methods and the environment within which education takes place, whether it be the home, school, or elsewhere. Children do not lose their human rights by virtue of passing through the school gates. Thus, for example, education must be provided in a way that respects the inherent dignity of the child and enables the child to express his or her views freely in accordance with article 12 (1) and to participate in school life. Education must also be provided in a way that respects the strict limits on discipline reflected in article 28 (2) and promotes non-violence in school. The

Committee has repeatedly made clear in its concluding observations that the use of corporal punishment does not respect the inherent dignity of the child nor the strict limits on school discipline. Compliance with the values recognized in article 29 (1) clearly requires that schools be child-friendly in the fullest sense of the term and that they be consistent in all respects with the dignity of the child. The participation of children in school life, the creation of school communities and student councils, peer education and peer counselling, and the involvement of children in school disciplinary proceedings should be promoted as part of the process of learning and experiencing the realization of rights.

9. Third, while article 28 focuses upon the obligations of State parties in relation to the establishment of educational systems and in ensuring access thereto, article 29 (1) underlines the individual and subjective right to a specific quality of education. Consistent with the Convention's emphasis on the importance of acting in the best interests of the child, this article emphasizes the message of child-centred education: that the key goal of education is the development of the individual child's personality, talents and abilities, in recognition of the fact that every child has unique characteristics, interests, abilities, and learning needs.[c] Thus, the curriculum must be of direct relevance to the child's social, cultural, environmental and economic context and to his or her present and future needs and take full account of the child's evolving capacities; teaching methods should be tailored to the different needs of different children. Education must also be aimed at ensuring that essential life skills are learnt by every child and that no child leaves school without being equipped to face the challenges that he or she can expect to be confronted with in life. Basic skills include not only literacy and numeracy but also life skills such as the ability to make well-balanced decisions; to resolve conflicts in a non-violent manner; and to develop a healthy lifestyle, good social relationships and responsibility, critical thinking, creative talents, and other abilities which give children the tools needed to pursue their options in life.

10. Discrimination on the basis of any of the grounds listed in article 2 of the Convention, whether it is overt or hidden, offends the human dignity of the child and is capable of undermining or even destroying the capacity of the child to benefit from educational opportunities. While denying a child's access to educational opportunities is primarily a matter which relates to article 28 of the Convention, there are many ways in which failure to comply with the principles contained in article 29 (1) can have a similar effect. To take an extreme example, gender discrimination can be reinforced by practices such as a curriculum which is inconsistent with the principles of gender equality, by arrangements which limit the benefits girls can obtain from the educational opportunities offered, and by unsafe or unfriendly environments which discourage girls' participation. Discrimination against children with disabilities is also pervasive in many formal educational systems and in a great many informal educational settings, including in the home.[d] Children with HIV/AIDS are also heavily discriminated against in both settings.[e] All such discriminatory practices are in direct contradiction with the requirements in article 29 (1) (a) that education be directed to the development of the child's personality, talents and mental and physical abilities to their fullest potential.

11. The Committee also wishes to highlight the links between article 29 (1) and the struggle against racism, racial discrimination, xenophobia and related intolerance. Racism and related phenomena thrive where there is ignorance, unfounded fears of racial, ethnic, religious, cultural

and linguistic or other forms of difference, the exploitation of prejudices, or the teaching or dissemination of distorted values. A reliable and enduring antidote to all of these failings is the provision of education which promotes an understanding and appreciation of the values reflected in article 29 (1), including respect for differences, and challenges all aspects of discrimination and prejudice. Education should thus be accorded one of the highest priorities in all campaigns against the evils of racism and related phenomena. Emphasis must also be placed upon the importance of teaching about racism as it has been practised historically, and particularly as it manifests or has manifested itself within particular communities. Racist behaviour is not something engaged in only by "others". It is therefore important to focus on the child's own community when teaching human and children's rights and the principle of non-discrimination. Such teaching can effectively contribute to the prevention and elimination of racism, ethnic discrimination, xenophobia and related intolerance.

12. Fourth, article 29 (1) insists upon a holistic approach to education which ensures that the educational opportunities made available reflect an appropriate balance between promoting the physical, mental, spiritual and emotional aspects of education, the intellectual, social and practical dimensions, and the childhood and lifelong aspects. The overall objective of education is to maximize the child's ability and opportunity to participate fully and responsibly in a free society. It should be emphasized that the type of teaching that is focused primarily on accumulation of knowledge, prompting competition and leading to an excessive burden of work on children, may seriously hamper the harmonious development of the child to the fullest potential of his or her abilities and talents. Education should be child-friendly, inspiring and motivating the individual child. Schools should foster a humane atmosphere and allow children to develop according to their evolving capacities.

13. Fifth, it emphasizes the need for education to be designed and provided in such a way that it promotes and reinforces the range of specific ethical values enshrined in the Convention, including education for peace, tolerance, and respect for the natural environment, in an integrated and holistic manner. This may require a multidisciplinary approach. The promotion and reinforcement of the values of article 29 (1) are not only necessary because of problems elsewhere, but must also focus on problems within the child's own community. Education in this regard should take place within the family, but schools and communities must also play an important role. For example, for the development of respect for the natural environment, education must link issues of environment and sustainable development with socio-economic, sociocultural and demographic issues. Similarly, respect for the natural environment should be learnt by children at home, in school and within the community, encompass both national and international problems, and actively involve children in local, regional or global environmental projects.

14. Sixth, it reflects the vital role of appropriate educational opportunities in the promotion of all other human rights and the understanding of their indivisibility. A child's capacity to participate fully and responsibly in a free society can be impaired or undermined not only by outright denial of access to education but also by a failure to promote an understanding of the values recognized in this article.

Human rights education

15. Article 29 (1) can also be seen as a foundation stone for the various programmes of human rights education called for by the World Conference on Human Rights, held in Vienna in 1993, and promoted by international agencies. Nevertheless, the rights of the child have not always been given the prominence they require in the context of such activities. Human rights education should provide information on the content of human rights treaties. But children should also learn about human rights by seeing human rights standards implemented in practice, whether at home, in school, or within the community. Human rights education should be a comprehensive, life-long process and start with the reflection of human rights values in the daily life and experiences of children.[f]

16. The values embodied in article 29 (1) are relevant to children living in zones of peace but they are even more important for those living in situations of conflict or emergency. As the Dakar Framework for Action notes, it is important in the context of education systems affected by conflict, natural calamities and instability that educational programmes be conducted in ways that promote mutual understanding, peace and tolerance, and that help to prevent violence and conflict.[g] Education about international humanitarian law also constitutes an important, but all too often neglected, dimension of efforts to give effect to article 29 (1).

Implementation, monitoring and review

17. The aims and values reflected in this article are stated in quite general terms and their implications are potentially very wide-ranging. This seems to have led many States parties to assume that it is unnecessary, or even inappropriate, to ensure that the relevant principles are reflected in legislation or in administrative directives. This assumption is unwarranted. In the absence of any specific formal endorsement in national law or policy, it seems unlikely that the relevant principles are or will be used to genuinely inform educational policies. The Committee therefore calls upon all States parties to take the necessary steps to formally incorporate these principles into their education policies and legislation at all levels.

18. The effective promotion of article 29 (1) requires the fundamental reworking of curricula to include the various aims of education and the systematic revision of textbooks and other teaching materials and technologies, as well as school policies. Approaches which do no more than seek to superimpose the aims and values of the article on the existing system without encouraging any deeper changes are clearly inadequate. The relevant values cannot be effectively integrated into, and thus be rendered consistent with, a broader curriculum unless those who are expected to transmit, promote, teach and, as far as possible, exemplify the values have themselves been convinced of their importance. Pre-service and in-service training schemes which promote the principles reflected in article 29 (1) are thus essential for teachers, educational administrators and others involved in child education. It is also important that the teaching methods used in schools reflect the spirit and educational philosophy of the Convention on the Rights of the Child and the aims of education laid down in article 29 (1).

19. In addition, the school environment itself must thus reflect the freedom and the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic,

national and religious groups and persons of indigenous origin called for in article 29 (1) (b) and (d). A school which allows bullying or other violent and exclusionary practices to occur is not one which meets the requirements of article 29 (1). The term "human rights education" is too often used in a way which greatly oversimplifies its connotations. What is needed, in addition to formal human rights education, is the promotion of values and policies conducive to human rights not only within schools and universities but also within the broader community.

20. In general terms, the various initiatives that States parties are required to take pursuant to their Convention obligations will be insufficiently grounded in the absence of widespread dissemination of the text of the Convention itself in accordance with the provisions of article 42. This will also facilitate the role of children as promoters and defenders of children's rights in their daily lives. In order to facilitate broader dissemination, States parties should report on the measures they have taken to achieve this objective and the Office of the High Commissioner for Human Rights should develop a comprehensive database of the language versions of the Convention that have been produced.

21. The media, broadly defined, also have a central role to play both in promoting the values and aims reflected in article 29 (1) and in ensuring that their activities do not undermine the efforts of others to promote those objectives. Governments are obligated by the Convention, pursuant to article 17 (a), to take all appropriate steps to "encourage the mass media to disseminate information and material of social and cultural benefit to the child".[h]

22. The Committee calls upon States parties to devote more attention to education as a dynamic process and to devising means by which to measure changes over time in relation to article 29 (1). Every child has the right to receive an education of good quality which in turn requires a focus on the quality of the learning environment, of teaching and learning processes and materials, and of learning outputs. The Committee notes the importance of surveys that may provide an opportunity to assess the progress made, based upon consideration of the views of all actors involved in the process, including children currently in or out of school, teachers and youth leaders, parents, and educational administrators and supervisors. In this respect, the Committee emphasizes the role of national-level monitoring which seeks to ensure that children, parents and teachers can have an input in decisions relevant to education.

23. The Committee calls upon States parties to develop a comprehensive national plan of action to promote and monitor realization of the objectives listed in article 29 (1). If such a plan is drawn up in the larger context of a national action plan for children, a national human rights action plan, or a national human rights education strategy, the Government must ensure that it nonetheless addresses all of the issues dealt with in article 29 (1) and does so from a child-rights perspective. The Committee urges that the United Nations and other international bodies concerned with educational policy and human rights education seek better coordination so as to enhance the effectiveness of the implementation of article 29 (1).

24. The design and implementation of programmes to promote the values reflected in this article should become part of the standard response by Governments to almost all situations in which patterns of human rights violations have occurred. Thus, for example, where major incidents of racism, racial discrimination, xenophobia and related intolerance occur which

involve those under 18, it can reasonably be presumed that the Government has not done all that it should to promote the values reflected in the Convention generally, and in article 29 (1) in particular. Appropriate additional measures under article 29 (1) should therefore be adopted which include research on and adoption of whatever educational techniques might have a positive impact in achieving the rights recognized in the Convention.

25. States parties should also consider establishing a review procedure which responds to complaints that existing policies or practices are not consistent with article 29 (1). Such review procedures need not necessarily entail the creation of new legal, administrative, or educational bodies. They might also be entrusted to national human rights institutions or to existing administrative bodies. The Committee requests each State party when reporting on this article to identify the genuine possibilities that exist at the national or local level to obtain a review of existing approaches which are claimed to be incompatible with the Convention. Information should be provided as to how such reviews can be initiated and how many such review procedures have been undertaken within the reporting period.

26. In order to better focus the process of examining States parties' reports dealing with article 29 (1), and in accordance with the requirement in article 44 that reports shall indicate factors and difficulties, the Committee requests each State party to provide a detailed indication in its periodic reports of what it considers to be the most important priorities within its jurisdiction which call for a more concerted effort to promote the values reflected in this provision and to outline the programme of activities which it proposes to take over the succeeding five years in order to address the problems identified.

27. The Committee calls upon United Nations bodies and agencies and other competent bodies whose role is underscored in article 45 of the Convention to contribute more actively and systematically to the Committee's work in relation to article 29 (1).

28. Implementation of comprehensive national plans of action to enhance compliance with article 29 (1) will require human and financial resources which should be available to the maximum extent possible, in accordance with article 4. Therefore, the Committee considers that resource constraints cannot provide a justification for a State party's failure to take any, or enough, of the measures that are required. In this context, and in light of the obligations upon States parties to promote and encourage international cooperation both in general terms (arts. 4 and 45 of the Convention) and in relation to education (art. 28 (3)), the Committee urges States parties providing development cooperation to ensure that their programmes are designed so as to take full account of the principles contained in article 29 (1).

Notes

[a] In this regard, the Committee takes note of General Comment No. 13 (1999) of the Committee on Economic, Social and Cultural Rights on the right to education, which deals, inter alia, with the aims of education under article 13 (1) of the International Covenant on Economic, Social and Cultural Rights. The Committee also draws attention to the general guidelines regarding the form and contents of periodic reports to be submitted by States parties under article 44, paragraph 1 (b), of the Convention (CRC/C/58), paras. 112-116.

[b] United Nations Educational, Scientific and Cultural Organization, *Learning: The Treasure Within,* Report of the International Commission on Education for the 21st Century, 1996, pp. 16-18.

[c] United Nations Educational, Scientific and Cultural Organization, *The Salamanca Statement and Framework for Action on Special Needs Education,* 1994, p. viii.

[d] See General Comment No. 5 (1994) of the Committee on Economic, Social and Cultural Rights on persons with disabilities.

[e] See the recommendations adopted by the Committee on the Rights of the Child after its day of general discussion in 1998 on children living in a world with HIV/AIDS (A/55/41, para. 1536).

[f] See General Assembly resolution 49/184 of 23 December 1994 proclaiming the United Nations Decade for Human Rights Education.

[g] Education for All: Meeting our Collective Commitments, adopted at the World Education Forum, Dakar, 26-28 April 2000.

[h] The Committee recalls the recommendations in this respect which emerged from its day of general discussion in 1996 on the child and the media (see A/53/41, para. 1396).

Annex IX

INTERNATIONAL CONSULTATIVE CONFERENCE ON SCHOOL EDUCATION IN RELATION WITH FREEDOM OF RELIGION AND BELIEF, TOLERANCE AND NON-DISCRIMINATION (MADRID 23-25 NOVEMBER 2001)

Statement by the Vice-Chairperson of the Committee on the Rights of the Child

This Conference deals with a theme that provides a powerful illustration of the difficulties we still face in promoting and protecting the rights recognized by the Universal Declaration of Human Rights more than 50 years ago. In spite of the development of an impressive set of international human rights standards, there still unfortunately remains a wide gap between existing norms and the day-to-day reality. The effective promotion and protection of human rights cannot be achieved only with the adoption of a well-developed set of rules. In particular, intolerance and discrimination based on religion and belief continue to manifest themselves all over the world.

Discrimination is learned, observed, experienced, suffered and acquired throughout life. Therefore, education can play an essential role not only in combating discrimination, but also in preventing it. Education is a process that takes place within the family and the community as well as in schools. If education deliberately aims to prevent and combat racism and intolerance instead of condoning them or contributing to their development, it will make the greatest possible contribution to improving respect for human rights.

The recently concluded World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance clearly recognized the link between the right to education and the struggle against discrimination and intolerance. At Durban, participants acknowledged the essential role of education in the prevention and eradication of all forms of intolerance and discrimination. The rights to have access to human rights education and to an education which is sensitive to and respects cultural diversity, especially among children and young people, are both human rights in themselves and key strategies to help promote respect for differences, non-discrimination, and freedom of religion and belief.

The United Nations human rights body that I represent at this Conference, the Committee on the Rights of the Child, is mandated to examine the progress made by States in achieving the realization of the obligations they have undertaken under an international human rights treaty that is particularly relevant to this discussion. The Convention on the Rights of the Child, with its quasi-universal status (191 States parties as of today) and the progressive awareness it has created about children as full-fledged subjects of rights, represents an extremely powerful tool for spreading a child-rights culture. Respect for child rights is in turn conducive to social change and to increased respect for and promotion of human rights and fundamental freedoms in general. The new vision of childhood conveyed by the Convention is gradually changing our perception of children from vulnerable beings in need of specific protection measures to persons entitled to enjoy the full range of human rights.

By ratifying the Convention on the Rights of the Child, and in accordance with the provisions of article 2, the quasi-totality of States have agreed to ensure that every child is protected against all forms of discrimination. They have also accepted the obligation to respect and ensure all human rights for each child, irrespective of the child's or his or her parent's race, colour, language, religion, national, ethnic or social origin, or other status. States parties have agreed to ensure such rights without discrimination to "each child within their jurisdiction". Thus, the right to protection against discrimination, including discrimination based on religious belief, applies to every child, regardless of nationality or status as a migrant, asylum-seeker or refugee. Indeed, it applies to all children under 18 years of age irrespective of the legality or illegality of their presence in the territory of any State party to the Convention.

Article 2 is considered one of the four "general principles" that should guide the interpretation of all other rights enshrined in the Convention. The other general principles are also relevant to this Conference. Under article 3, States parties commit themselves to having the best interests of the child as a primary consideration in all actions concerning them. Article 6 obliges States parties to ensure to the maximum extent possible the survival and development of the child, and in this context development is seen to include physical, mental, spiritual, moral, psychological and social development. Under article 12, children are assured of the right to express freely their own views in all matters affecting them, a right which should be respected in the taking of decisions within the family, the school and larger community environments.

The human rights that the international community has recognized for children cover a very broad range of issues. Among children's fundamental civil rights is the right to freedom of thought, conscience and religion, as spelled out in article 14 of the Convention. In the exercise of this right, parents can, according to the provisions of this article, provide direction to the child in a manner consistent with her or his evolving capacities. Additionally, article 30 of the Convention upholds the right of a child who belongs to a religious minority to profess and practise his or her religion. The Convention also calls for States to pay due regard to the child's religious background in cases where arrangements for alternative care have to be envisaged (art. 20).

The Convention covers, in its article 28, the right of every child to education. To achieve that right States parties shall, in particular, make primary education compulsory and available free to all. Secondary education, both general and vocational, should be developed and made available and accessible to every child, and higher education should be accessible to all on the basis of capacity. The Committee on the Rights of the Child pays a lot of attention in its dialogue with States parties to measures taken in this respect. The Committee stresses the need for full enrolment of girls as well of boys, for measures to ensure access to education by children belonging to minorities or socially disadvantaged groups, and for action to reduce school drop-out rates.

However, the child's right to education is not only a matter of access, but also of content. Article 29, paragraph 1, of the Convention is the subject of the first general comment adopted by the Committee. That general comment provides guidance to States parties on the implementation of the right of children to a quality education and provides a clear illustration of the importance attached by the Committee to the role and content of education. The Committee made the general comment its main contribution to the preparatory process for the

World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance precisely because it believes firmly that education that promotes respect for human rights, and that is itself respectful of human rights values and norms, plays a crucial role in the effort to reduce and eventually eliminate intolerance and discrimination.

Article 29, paragraph 1, adds to the right to education recognized in article 28 a qualitative dimension that reflects the rights and inherent dignity of the child. It sets out the goals of education, which should aim at the realization of the full potential of the child, including development of respect for human rights. Education should also aim to develop an enhanced sense of identity and affiliation as well as the child's socialization and interaction with others and with the environment. Article 29, paragraph 1, asserts that the States parties agree that education should be directed to the development of respect for a wide range of values. This agreement, evidenced by the Convention's ratification by almost every State from every region, underlines the potential of human rights values and norms to overcome the boundaries of religion, nation and culture that may seem to divide many parts of the world. Article 29 recognizes the need for a balanced approach to education, an approach that seeks to reconcile diverse values through dialogue and respect for difference.

The second paragraph of article 29 deals with the freedom of individuals and bodies to establish educational institutions, subject only to the need for such institutions to observe the aims of education set forth in the first paragraph and to conform to any minimum standards that may be laid down by a State party.

There is thus a clear and direct link between the provisions of article 29 of the Convention and the struggle against discrimination and intolerance. Article 29, paragraph 1, calls for an education designed to promote respect for human rights and fundamental freedoms, respect for the child's parents, cultural identity, language and values. It also calls for an education that aims to develop respect for the national values of the country in which the child is living and the country from which she or he may originate. It underlines that the fundamental objective of education is to prepare the child for responsible life in a free society in a spirit of understanding, peace, tolerance, equality of the sexes, and friendship among all peoples and ethnic, national and religious groups.

Discrimination and related phenomena thrive where there is ignorance, where unfounded fears of difference - including religious differences - are not confronted, and where prejudices are exploited or distorted values taught. An education that respects human rights commitments and obligations is one that challenges all aspects of discrimination and prejudice. It must do so not only through the contents of textbooks and lessons, but also through the way in which education takes place. Teachers, administrators, outside resource persons and parents should be involved together with students in the effort to ensure that both the contents and the process of education respect human rights. The inclusion of human rights in the school curricula will only succeed in promoting universal values if the classroom and the school maintain a climate based on reciprocal respect amongst students and adults. The way in which decisions are taken, conflicts solved, or discipline administered will be an essential component of a human rights-based education, beyond the content of school curricula.

In its general comment, the Committee has pointed out that implementation of article 29, paragraph 1, of the Convention on the Rights of the Child will require a variety of efforts. School curricula may need to be fundamentally reviewed, textbooks revised and school policies redesigned. Approaches that do no more than seek to superimpose respect for human rights on the existing system without encouraging deeper changes will often prove inadequate. Pre-service and in-service training schemes that promote the principles reflected in the Convention are essential if those who are expected to transmit, promote and teach human rights values are to exemplify them in their own behaviour; they must cover teachers at all levels, as well as school administrators and others involved in education. The Committee has also pointed out that, in the absence of widespread dissemination of the text of the Convention itself the initiatives that States may take to implement the Convention will be insufficiently grounded. Surveys may be needed to assess progress made by seeking the views of all actors involved in the process. The Committee has, in particular, suggested that implementation of article 29 (1) could be pursued by ensuring that any major incidents of religious or other intolerance lead to an immediate reflection on whether a Government has done all it could to promote the values reflected in the Convention. Additional measures to implement article 29 (1) should be adopted in response to any such incidents, including research and special efforts to promote whatever educational techniques may have a positive impact.

An education that respects and promotes human rights and non-discrimination is the key to avoiding the marginalization of vulnerable groups that leads to further intolerance, in a vicious circle that perpetuates injustice and often leads to tension and conflict. We must ensure that education is provided without discrimination and that the education children receive, both in its content and as a process, is truly a human rights education, promoting the values of understanding, mutual respect and diversity. By doing so, we will be bringing to life the Convention on the Rights of the Child and the contribution that this fundamental text can make towards ensuring a brighter future for the children of today and for the adults of tomorrow.

Annex X

STATEMENT OF THE COMMITTEE ON THE RIGHTS OF THE CHILD TO THE TWENTY-FIFTH SPECIAL SESSION OF THE GENERAL ASSEMBLY FOR AN OVERALL REVIEW AND APPRAISAL OF THE IMPLEMENTATION OF THE OUTCOME OF THE UNITED NATIONS CONFERENCE ON HUMAN SETTLEMENTS (HABITAT II)

(adopted in Geneva on 25 May 2001, at the twenty-seventh session of the Committee)

1. The Committee on the Rights of the Child wishes to express its concern at the insufficient recognition given to the human right of children to adequate housing, enshrined by the Convention on the Rights of the Child, in the draft Declaration on Cities and Other Human Settlements in the New Millennium.[a] The Committee calls upon Governments participating in the special session to ensure that the Declaration to be adopted conforms with and reaffirms the international standards on the right of children to adequate housing already set in the Convention on the Rights of the Child. It encourages Governments to take account also of the recognition of a right to adequate housing, as a component of the human right to an adequate standard of living, contained in other human rights instruments, in resolutions of the Commission on Human Rights[b] and the General Assembly, and in the Habitat Agenda adopted at the second United Nations Conference on Human Settlements held in Istanbul in 1996.

2. In 1996, the Committee on the Rights of the Child adopted a statement to the second United Nations Conference on Human Settlements (Habitat II),[c] urging that the Habitat Agenda give appropriate reflection to the fundamental right to adequate housing that the international community has recognized for children.

3. As the Committee mentioned in that statement, the right to an adequate standard of living was already recognized for children by the League of Nations, in 1924.[d] The Declaration on the Rights of the Child adopted by the General Assembly in 1959 stated that the child "shall have the right to adequate nutrition, housing, recreation and medical services".[e]

4. The Convention on the Rights of the Child, adopted by the General Assembly by its resolution 44/25 of 20 November 1989, has achieved near-universal ratification, with 191 States parties. Only two States have not ratified it to date, and one of them signed it in 1995.

5. Article 27 of the Convention made the right a binding obligation for its States parties, providing that:

> **"1. States parties recognize the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development.**
>
> **"2. The parent(s) or others responsible for the child have the primary responsibility to secure, within their abilities and financial capacities, the conditions of living necessary for the child's development.**

> "3. States Parties, in accordance with national conditions and within their means, shall take appropriate measures to assist parents and others responsible for the child to implement this right and shall in case of need provide material assistance and support programmes, particularly with regard to nutrition, clothing and housing."

6. States parties have undertaken to respect and ensure the rights set forth in the Convention to each child within their jurisdiction "without discrimination of any kind" (art. 2); to make the "best interests of the child" a primary consideration in all actions concerning children (art. 3); to "ensure to the maximum extent possible the survival and development of the child" (art. 6); and to assure to children the right to express views freely in matters affecting them, giving due weight to such views (art. 12). These are considered the four general principles which guide the implementation of all provisions of the Convention, including those of article 27 and of the many other provisions which are linked to the child's right to adequate housing (for example, article 24 on the right to health, or article 31 on the right to rest and leisure).

7. By ratifying the Convention, States parties have voluntarily accepted the legal obligation to undertake all appropriate legislative, administrative and other measures for the implementation of the rights it recognizes. For economic, social and cultural rights, States parties shall undertake such measures "to the maximum extent of their available resources and, where needed, within the framework of international cooperation" (art. 4). States parties to the Convention are thus bound to pursue the implementation of child rights, including the right to adequate housing, also in the context of their participation in international activities.

8. The Committee on the Rights of the Child was set up, by article 43 of the Convention, to examine the progress made by States parties in achieving the realization of their obligations under the Convention. As of its twenty sixth session, the Committee had examined 150 reports submitted by States parties. Its experience in the examination of reports from such a large variety of States has allowed the Committee to identify the implementation of the right to housing of children as a clear illustration of the need to pay due attention to the indivisibility, interdependence and universality of human rights. These principles were incorporated in the Vienna Declaration and Programme of Action adopted by the 1993 World Conference on Human Rights.

9. The Committee notes, in particular, that it continues to give special attention, in its examination of progress made by States parties in the implementation of the Convention, to the right of children to adequate housing in connection with non-discrimination, and particularly on the grounds of the child's or his or her parents' race, colour, national or ethnic origin, sex, property or other status. It is also particularly concerned about respect for the entitlement of children living in the streets to the special protection and assistance to be provided by the State to children temporarily or permanently deprived of a family environment, in accordance with the provisions of article 20. The Committee also wishes to draw attention to the provisions of article 16 of the Convention, under which "no child shall be subjected to arbitrary or unlawful interference with his or her privacy, family, home or correspondence ...", and he or she has the "right to protection of the law against such interference or attacks".

10. In view of its own mandate to promote the implementation of the right of children to adequate housing, the Committee has welcomed warmly the appointment, by the Commission on Human Rights,[f] of a Special Rapporteur on "adequate housing as a component of the right to an adequate standard of living". It looks forward to fruitful and close cooperation with the Special Rapporteur and welcomes the initiatives of the Special Rapporteur in that regard. The Committee also welcomes, and draws to the attention of the special session, the analysis of the legal status of the right to adequate housing and of the issues related to children and housing rights contained in the first report of the Special Rapporteur.[g]

11. The Committee expresses its support for the statement addressed by the Committee on Economic, Social and Cultural Rights to the special session. It shares the views set out in that statement on the right to adequate housing as a justiciable and enforceable right which is already the subject of domestic remedies in many States.

12. In that regard, the Committee on the Rights of the Child notes with appreciation the effort made by many States parties to ensure appropriate reflection of the rights of children in their domestic legal orders, including by enshrining them as constitutional provisions. It welcomes the growing case law accumulating in States parties on the interpretation of the positive obligations involved in the implementation of the human rights of children, including to adequate housing. Relevant court decisions indicate that State obligations with respect to the right to adequate housing are set at a particularly high standard where children are involved.[h] This fundamental human right of children must be appropriately reflected in the review of the implementation of the Habitat Agenda.

Notes

[a] As contained in HS/C/PC.2/3.

[b] Including most recent resolutions adopted by the Commission at its fifty-seventh session on adequate housing as a component of the right to an adequate standard of living (2001/28) and on women's equal ownership of, access to and control over land and the equal rights to own property and to adequate housing (2001/34).

[c] CRC/C/50, annex VIII.

[d] Principle No. 1 of the Declaration on the Rights of the Child of the League of Nations (the "Declaration of Geneva"), adopted in 1924, incorporates the right to adequate "material and spiritual living conditions for the achievement of a normal and harmonious development of the child".

[e] Principle 4. The Declaration was adopted by General Assembly resolution 1386 (XIV).

[f] Commission on Human Rights resolution 2000/9.

[g] E/CN.4/2001/51, paras. 23-55 (particularly para. 33) and paras. 69-72.

[h] As most recently reflected in the judgement of the Constitutional Court of South Africa, The Government of the Republic of South Africa et al. v. Irene Grootboom et al., Case CCT 11/00, heard on 11 May 2000 and decided on 4 October 2000.

Annex XI

STATEMENT OF THE COMMITTEE ON THE RIGHTS OF THE CHILD TO THE THIRD SESSION OF THE PREPARATORY COMMITTEE FOR THE SPECIAL SESSION OF THE GENERAL ASSEMBLY ON CHILDREN

The Committee on the Rights of the Child has followed closely and welcomed the opportunity to participate in the preparatory process for the special session of the General Assembly on Children, which it considers a very important initiative. It expects this event to renew and reinforce the commitment of the international community to the enjoyment by children of their human rights, as enshrined in the Convention on the Rights of the Child, which counts 192 States parties and signatories. The 1990 World Summit for Children placed ratification and implementation of the Convention at the centre of the international agenda for children. A decade of experience with the follow-up process to the World Summit, and with implementation of the Convention, proves the importance of ensuring that all further international efforts for children reinforce the existing consensus on the importance of grounding all commitments firmly in the human rights of children.

The Committee welcomes the discussions taken by the Preparatory Committee at its second session. It particularly appreciates the calls from the vast majority of government delegations and NGOs for the outcome of the special session to be clearly based on implementation of the standards set by the Convention.

The Committee wishes to congratulate the Bureau of the Preparatory Committee for the submission of a greatly improved "Second revised draft outcome document". In particular, the Committee would like to express its appreciation for the reflection in the revised draft of the crucial role to be played by children, as well as families, NGOs and others under paragraph 26, and the heading of "partnerships and participation".

The Committee considered the second revised draft outcome document (A/AC.256/CRP.6/Rev.2) carefully during its twenty-seventh session, and would like to submit the following observations to the third session of the Preparatory Committee.

1. The second revised draft outcome document submitted by the Bureau of the Preparatory Committee acknowledges the key role that the Convention on the Rights of the Child plays in national and international efforts to improve the situation of children around the world. The Committee on the Rights of the Child appreciates the references to the Convention in paragraphs 4, 8, 25 and 52 of the second revised draft. However, the Committee notes that other references to the Convention that had been included in the first draft have been eliminated, and it is deeply concerned about the absence of stronger and clearer references to relevant child rights standards throughout the draft.

2. The Committee feels that calls for ratification of crucial international treaties (para. 24) are not sufficiently highlighted in the current draft. It believes that reference to the key treaties mentioned in a footnote to that paragraph should be explicitly identified as a non-exhaustive list.

The Committee thinks that references to such instruments (and particularly to the two Optional Protocols to the Convention) should also be made in relevant sections of the draft outcome document (and particularly in relevant "strategies and actions" listed under paragraph 37). The Committee suggests that the Hague Convention on the Civil Aspects of International Child Abduction of 1980 should be added to the list of instruments. The Committee would also like to suggest that the reference to the Convention in paragraph 4 could be explicitly linked to the renewed call in the Millennium Declaration, adopted by the General Assembly in September 2000, for universal ratification and full implementation of the Convention (and its two Optional Protocols).

3. The Committee welcomes the draft document's reaffirmation of the obligations enshrined in the Convention (para. 4). The Committee believes that, beyond reaffirming the Convention's obligations, the outcome document should also link explicitly the commitments undertaken at the special session to the implementation of the Convention. To give one example, the first sentence of paragraph 5 could be redrafted to add:

> "We hereby call on all members of society to join us in a global movement that will help to [promote respect for child rights] and build a world fit for children by upholding the following principles:"

4. The Committee also notes that paragraph 8 makes no reference to the effort made by most States to prepare reports on their implementation of the Convention and to the useful lessons learned from the examination of such reports. They provide evidence of the numerous legislative, administrative and social measures, programmes and policies that have been adopted by many States among general measures to implement the Convention, contributing to make this a world more fit for children. A clear lesson that has emerged is the need for systematic review of all existing legislation from a child-rights perspective. The Committee would like to suggest that paragraph 8 could be amended as follows:

> "As documented in the end-decade review of the Secretary-General on follow-up to the World Summit for Children [and in the hundreds of State reports submitted to the Committee on the Rights of the Child], the 1990s were a decade of great promises, moderate efforts and modest achievements for the world's children."

Similarly, paragraph 25 could be redrafted to follow up on its reference to the Convention by adding to the last sentence:

> "We therefore commit ourselves to implementing [the Convention through] this Plan of Action by:"
>
> (a) [Reviewing and s]Strengthening legislation and policies, and allocating resources to [the realization of] the rights of the child;"

5. In another example, paragraph 43 could be redrafted to add:

> "[In accordance with article 4 of the Convention on the Rights of the Child, w]We will use, to the maximum extent, all available resources both nationally and, where needed,

within the framework of international cooperation, including South-South cooperation, to implement [the Convention, including through the achievement of] the goals and objectives of this Plan of Action."

6. Other paragraphs could be equally strengthened, reflecting better the widespread call for the outcome document to be firmly grounded in the Convention, by inserting clear references to child rights (including to specific provisions of the Convention).

7. On more specific subjects, the Committee wishes to emphasize the need for the draft outcome document to improve its attention in particular to two priority issues:

(a) The right of children to be protected from all forms of violence, abuse and neglect, including within the family; and

(b) The need to give greater priority to protecting the rights of children alleged or recognized as having infringed the law.

8. On protection of children from all forms of violence, abuse and neglect (a clear commitment under article 19 and related provisions of the Convention), the Committee feels that the general reference to this objective in paragraph 36 (a) is not appropriately reflected in the more specific "strategies and actions" described in paragraph 37. At a minimum, the second bullet point should be modified to:

> "Encourage all countries to adopt and enforce laws, and improve the implementation of policies and programmes, to protect children from all forms of violence, [abuse and neglect (including sexual abuse)], whether at home, in school or other institutions, or in the community."

9. The Committee would also like to suggest that the relevant bullet point or points (for example, the second and third ones) under paragraph 37 of the draft should also mention that all laws, policies and programmes in this field should consider the need for child-sensitive procedures and multidisciplinary efforts. The references to quality education should also state that a "child-friendly environment" clearly calls for protection from violence. The Committee would suggest that the third bullet point under paragraph 34 be redrafted as follows:

> "Create, with children, a child-friendly learning environment, in which students feel safe, are protected from [all forms of violence,] abuse and discrimination and are encouraged to learn ..."

10. The Committee has always highlighted the importance of eliminating sexual exploitation of children. It acknowledges the timeliness of the references to the elimination of sexual exploitation of children in the last bullet points under paragraph 37, particularly in view of the Second World Congress against Commercial Sexual Exploitation of Children to be held in Yokohama in December 2001. The Committee considers, however, that insufficient attention is given in the outcome document to the urgent need to adopt and implement effectively legislation, programmes and policies, and public education strategies to address also protection from sexual abuse, including within the family.

11. The Committee wishes to note that juvenile justice is one of the areas in which the State has a more direct responsibility for respecting and promoting the rights of children. The Committee agrees that the four issues listed in paragraph 36 as main goals for "protecting against abuse, exploitation and violence", protecting children from all forms of violence and abuse, from the impact of armed conflict, from exploitation and trafficking, and from the worst forms of labour are urgent priorities. They are problems that affect vast numbers of children and where solutions will be complex and require changes in the behaviour of private actors and society at large. The Committee acknowledges that respect for child rights within juvenile justice systems usually affects smaller numbers of children than the abuses listed under paragraph 36. However, the Committee wishes to highlight that the treatment received by children in conflict with the law depends solely on the actions of the State (and its agents). Improving respect for the rights of children under such circumstances should be easier to achieve than in cases where full implementation of the rights of children requires significant changes in cultural values, social structures or economic conditions. Respect for the rights of children alleged or recognized as having infringed the law should thus be seen as an urgent priority requiring immediate action by States to implement their obligations under the Convention.

12. Given such considerations, the Committee urges States to ensure that protection of this highly vulnerable group of children be included among the main goals to be adopted at the special session, listed in paragraph 36. In addition the Committee suggests that the relevant references included in the fifth and sixth bullet points under paragraph 37 of the draft should explicitly recognize other basic standards of protection for children in conflict with the law beyond the need for separate juvenile justice systems and specially trained staff, the promotion of reintegration in society and protection from torture. The outcome document should also explicitly refer to the obligation not to impose capital punishment or life imprisonment without possibility of release for offences committed before the age of 18, in accordance with article 37 (a) of the Convention, and the requirement that arrest, detention and imprisonment of children be "used only as a measure of last resort and for the shortest appropriate period of time", in accordance with article 37 (b) of the Convention. The Committee considers also that a footnote referring to key United Nations standards in this domain would help to ensure that the draft outcome document reflects appropriately the obligation to ensure respect for the human rights of children alleged or recognized as having infringed the law. In addition, the Committee urges that children in detention be included among the groups of children at particularly high risk of HIV infection, listed in the second bullet point of paragraph 40.

13. On other subjects, the Committee notes that a reference to birth registration (a right recognized by article 7 of the Convention and crucial to establish the child's entitlement to all other human rights) has been included in the first bullet point under paragraph 37 of the draft. Birth registration is a right of all children, as well as a useful strategy for protecting children against abuse, exploitation and violence. It is also essential in helping to ensure respect for the right of children to the enjoyment of the highest attainable standard of health and the right of children to education. The Committee understands that it is difficult to fit this issue under the current structure of section B of the draft. It would like to suggest that this reference could be moved to the introductory paragraphs for section B (that is, before the heading preceding paragraph 29).

14. The Committee regrets also that the reference in paragraph 37 of the draft to the commitment to protect refugee children, unaccompanied children seeking asylum and internally displaced children seems to restrict the issue to the context of armed conflict. The placing of the relevant bullet point under that heading and its wording seem to ignore the discrimination and other serious problems that refugee and unaccompanied children can also experience in the absence of armed conflict. The Committee would suggest that the bullet point be placed outside the section on "protection from armed conflict", if necessary by dividing its contents into two separate references, one to raise human rights issues affecting all refugee and asylum-seeking children and another one to highlight the need for particular attention to these groups of children (including the internally displaced) in the context of armed conflicts.

The Committee on the Rights of the Child urges government delegations to ensure that the outcome of the special session does not proclaim a new and different set of principles to guide action for children. Goals and objectives set by the special session for immediate action must be firmly integrated into a longer-term process of implementation and monitoring of all the rights of children recognized by the international community, as enshrined by the Convention on the Rights of the Child. The Committee expresses to all participants in the third session of the Preparatory Committee for the Special Session on Children its best wishes for a successful and productive effort and looks forward to the outcome of the deliberations.

Annex XII

COMMITTEE ON THE RIGHTS OF THE CHILD:

STATEMENT TO THE THIRD SESSION OF THE PREPARATORY COMMITTEE FOR THE WORLD CONFERENCE AGAINST RACISM, RACIAL DISCRIMINATION, XENOPHOBIA AND RELATED INTOLERANCE

The Committee on the Rights of the Child took note of the draft Declaration and Programme of Action of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance (A/CONF.189/PC.2/27) with special interest.

Millions of children have been and still are victims of racism, racial discrimination, xenophobia and related intolerance. Children can be directly or indirectly (as a consequence of discrimination against their parents, families and communities) victims of discrimination. The Committee, when reviewing and discussing States parties' reports, has consistently paid attention to the implementation of the principle of non-discrimination (article 2 of the Convention on the Rights of the Child), particularly as it relates to the most vulnerable groups of children, including economically and socially marginalized children. The Committee has expressed concern that many children are often faced with double and/or multiple discrimination by virtue of being members of two or more marginalized groups in their respective societies.

The Committee would like to commend the Preparatory Committee for its efforts to cover all the relevant aspects of the prevention of and the fight against racism, racial discrimination, xenophobia and related intolerance. The success of the Preparatory Committee thus far is undoubtedly due to the thorough preparation and valuable input of States through, inter alia, regional conferences, as well as to the full and dedicated support of the United Nations High Commissioner for Human Rights, Mrs. Mary Robinson, and her staff. Acknowledging that the draft Declaration and Plan of Action cover many equally important aspects, the Committee, given its mandate, would like to limit itself to some observations and remarks concerning Education, Training and Public Information (chap. II) and Children (chap. IX)

Education, training and public information

While education may be considered the most essential and positive tool in the prevention and elimination of racism, racial discrimination, xenophobia and related intolerance, it can also be used negatively to indoctrinate, incite and promote propaganda on ideas or theories of superiority of one race or group of persons.

In its first general comment, devoted to the aims of education, article 29 (1) of the Convention, the Committee elaborates on the importance of teaching and promoting an understanding of respect for all human rights at all levels of the educational system. The Committee has submitted this general comment as its contribution to the World Conference.

Noting the significant role of education in the fight against racial discrimination, the Committee systematically encourages States to guarantee free access to mandatory primary education, without any discrimination, to all children within their jurisdiction. This means that every child should be enrolled and that none should be excluded for reasons of discrimination. This principle should be applied to both primary and secondary education.

Based on these observations, the Committee would like to make the following concrete suggestions for the chapter on Education, Training and Public Information:

(a) The text could start with a paragraph on non-discriminatory access to education, reiterating that States should take all necessary steps to make this access a reality for all children within their jurisdiction;

(b) It could emphasize more clearly the need for good quality education (adequate financial and human resources) which efficiently and effectively targets the aims of education, article 29 (1) of the Convention. This should entail, inter alia,

(i) Curricula that are adapted to include the cultural and linguistic realities of children belonging to minority, indigenous or ethnic groups, as well as refugee and other socially marginalized children;

(ii) Teaching materials that are carefully and regularly reviewed in order to prevent negative presentations of minority children and promote a better understanding of and respect for all cultures and ethnic groups, their differences and their history; and

(iii) The active involvement and participation of minority children and their parents in all school matters;

(c) Finally, the text could emphasize more clearly the importance of teacher training, focusing on the development of values and attitudes that respect the principle of non-discrimination, community participation and promotion of evaluation and research.

Children

The Committee notes with appreciation that special attention is given to children in the draft Declaration and Plan of Action. This is important not only because children are among the most vulnerable victims of racism, but also because they can play an important role as active participants in the prevention of and fight against racism. This could mean, inter alia, that children are:

(a) Involved in the preparation of programmes or activities addressing the issue of racism, xenophobia and related intolerance in their communities and schools;

(b) Consulted about the collection of trustworthy information on these issues; and/or

(c) Empowered and supported in order to play an active role in combating racism, racial discrimination, xenophobia and related intolerance.

Some specific comments:

(a) The Committee would like to suggest the inclusion of a paragraph encouraging States to ratify the two Optional Protocols to the Convention on the Rights of the Child on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography. The Convention on the Rights of the Child, along with its two Optional Protocols, is relevant in the fight against racism, including all forms of discrimination against children;

(b) With respect to paragraph 43: indigenous children should be added to the list;

(c) With respect to paragraph 44: "The World Conference against Racism invites States to establish efficient and effective system(s) to collect reliable disaggregated statistical data and analyse them in (…) children's lives and to develop the necessary indicators for measuring progress. States should ensure that any data collected (…) not be misused.";

(d) With respect to paragraph 44 bis: "children" should be used instead of "women and girls" - the focus in this chapter should be on children;

(e) With respect to paragraph 45 bis: the word "girls" should replace "women". Further, the words "children" or "girls and boys" should replace "women and girls";

(f) The Committee thinks that the contents of paragraphs 47-49 are of a more general nature and could be better placed in the preamble or elsewhere in the document.
